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ABSTRACT

The Senate Select Committee on Indian Affairs met on March 5, 1975, to organize and select officers and members of the American Indian Policy Review Commission. Senator James Abourzek was elected chairman and Representative Lloyd Meeds was elected vice chairman. Rules of procedure were tentatively adopted. Mr. Ernie Stevens was then selected as Staff Director and Mr. Kirke Kickingbird as Staff Counsel. The following people were elected as tribal representatives: Ada Deer, John Borbridge, and Jake Whitecrow for federally recognized tribes: Louis Bruce for Urban Indians; and Adolph Dial for nonfederally recognized Indians. The first business meeting of the Commission was held on May 2, 1975. Chairman Abourzek stated that the Commission would conduct a sweeping review of the U.S. historical and legal relationship with American Indians and that the information compiled would provide the intellectual framework for future American Indian policy. Senator Abourzek also said that the Commission would examine the difference between white and Indian society and the difference between the Indian tribes and societies. The meeting on June 13 was concerned with discussions of and nominations to the 11 task forces, some of which were to begin functioning in July. The meetings on July 11 and September 12 were again concerned with organizational activities. (AN)

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U.S. SENATE
SELECT COMMITTEE ON INDIAN AFFAIRS

MEETINGS OF THE AMERICAN INDIAN POLICY REVIEW COMMISSION

MARCH 5, MAY 2, JUNE 13, JULY 11,
AND SEPTEMBER 12, 1975

WASHINGTON, D.C.

VOLUME 1

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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SELECT COMMITTEE ON INDIAN AFFAIRS

[Created by S. Res. 4, 95th Cong.]

JAMES ABOUREZK, South Dakota, *Chairman*

HOWARD METZENBAUM, Ohio
JOHN MELCHER, Montana
DEWEY F. BARTLETT, Oklahoma
MARK O. HATFIELD, Oregon

ERNEST L. STEVENS, *Staff Director*

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MEETINGS OF THE AMERICAN INDIAN POLICY REVIEW COMMISSION

WEDNESDAY, MARCH 5, 1975

AMERICAN INDIAN POLICY REVIEW COMMISSION,
Washington, D.C.

The Commission met, pursuant to notice, at 3:40 p.m., in room EF-100, the Capitol.

Present: Senator Abourezk, chairman; Congressman Meeds, vice chairman; Senator Metcalf, member; Senator Hatfield, member; Congressman Steiger, member; and Congressman Yates, member.

Senator METCALF. Gentlemen, I do not know how you start a new Commission. There are not any rules, there is not any protocol. One of the fetishes of a Congress, however, is seniority both in the House and in the Senate. I happen to be the senior Member and I should not be a Member in contest for either the offices or appointment on the Commission. Unless there is objection I will delegate to myself the authority to call this Commission to order, and unless there is objection, we will proceed with the meeting.

I think the first order of business should be the election of a Chairman of the Commission and, therefore, so I can get out of the Chair, I warn everybody that I was elected once temporary Chairman of the Democratic Study Committee in the House. I held that office for 3½ years because I never called a meeting. So I am not going to get into that position.

I think the first order of business is the election of a Chairman. Once we elect a Chairman it is his responsibility to run the rest of the meeting.

Nominations are in order for Chairman. Any other discussion that we have prior to that election?

Congressman MEEDS. Mr. Chairman.

Senator METCALF. Congressman Meeds.

Congressman MEEDS. I would like to be recognized for the purpose of making a nomination. I would like to nominate the Senator from South Dakota, James Abourezk, as Chairman of the Indian Policy Review Commission. I do so with the full understanding that this is going to be a very difficult job, very demanding job, and that in all probability the gentleman from South Dakota is best versed in this subject matter than all of us and that he is indeed the father of this legislation. I do not know whether it is an honor or whether we ought to offer condolences, but I think that we should unanimously give the chairmanship to the gentleman from South Dakota.

Senator HATFIELD. Mr. Chairman, I seek recognition.

Senator METCALF. Senator Hatfield.

Senator HATFIELD. Since Congressman Meeds and I come from the same part of the country you might accuse us of having some kind of a

regional arrangement here, but actually, I think it just fits naturally. Congressman Meeds being a member of the majority party and my being a member of the minority party, the Congressman being a Member of the House and I being a Member of the Senate, that it would be my honor to join with him and give the nomination he makes a hearty second.

I have worked with Senator Abourezk on the Interior Committee in the Senate, which is the committee that handles the Indian legislation. I know of not only his intellectual capacity but of his marvelous and tremendous heart, his ability to see these things in terms of human values, and not just in terms of organization or bureaus or appropriations but really in terms of human beings.

So I am very honored to join Congressman Meeds, my good neighbor to the north, and second the nomination of Senator Abourezk.

Senator METCALF. I am delighted to hear that nomination. Of course Senator Abourezk has been a leader in our committee, Senator Hatfield, and chairman of our Indian Affairs Subcommittee.

Are there any other nominations?

Congressman STEIGER. Mr. Chairman, I move the nominations be closed.

Senator METCALF. Unless there is objection, nominations are closed, and a unanimous vote will be cast for Senator Abourezk as Chaiman of the Commission. With flailing hands I hand over this gavel, which I do not have, and you take over the chairmanship. I am delighted and it is a great privilege to serve with you and will be a privilege for all of us.

Chairman ABOUREZK. I guess I have to make an acceptance speech.

Senator METCALF. Put it in the record.

Congressman STEIGER. Hear, hear.

Chairman ABOUREZK. Who was it who once said when he was on the verge of being tarred and feathered and ridden out of town on the rail----

Congressman YATES. Abraham Lincoln.

Chairman ABOUREZK. If it were not for the honor, I would just as soon walk."

Congressman YATES. Abraham Lincoln.

Chairman ABOUREZK. Thank you very much. I appreciate very much the kind words and I consider this to be an honor.

Nomination will be open for our Vice Chairman.

Congressman STEIGER. Mr. Chairman.

Chairman ABOUREZK. Sam Steiger.

Congressman STEIGER. I would like to nominate Lloyd Meeds. I will stipulate all the magnificent reasons why he should be. Besides that, he has the votes.

Senator METCALF. I am going to second that nomination.

Chairman ABOUREZK. I would like to second that also.

Senator METCALF. I will also stipulate all those reasons.

Congressman YATES. I join in the nomination.

Congressman STEIGER. I move that the nominations be closed.

Chairman ABOUREZK. Without objection, the nomination and election of Lloyd will be considered unanimous.

The next thing we ought to do is adopt the rules, unless people want more time to study them. We brought a set of draft rules which I had one of the staff prepare from existing Senate rules that conforms to the statute which set up this Commission.

Senator METCALF. Mr. Chairman, these rules have just been presented to us.

Chairman ABOUREZK. If you would like more time——

Senator METCALF. I suggest that since we need to have rules and regulations, I suggest that since these have been drafted to conform with the statute, that we tentatively adopt those rules of the Commission, and if anybody wants to bring up amendments or changes, we will reserve our right to do it at any time that we should deem proper. Subject to that, I move adoption of the rules.

Chairman ABOUREZK. Without objection, the rules will be tentatively adopted subject to further study and amendments and corrections.

[The rules follow:]

RULES OF PROCEDURE FOR THE AMERICAN INDIAN POLICY REVIEW COMMISSION

I MEETINGS OF THE COMMISSION

1. The Commission shall hold such meetings as the Chairman shall deem necessary to expedite the business of the Commission. A majority of the members of the Commission may request the chairman to call a special meeting of the Commission.

2. Each meeting of the Commission, or any committee or task force thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the Commission, or any committee or task force, as the case may be, determines in open session by record vote of a majority of the members of the Commission or committee or task force present, that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will relate solely to matters of the Commission staff personnel or staff management or internal procedure;

(b) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(c) will disclose the identify of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(d) will disclose information relating to the trade secrets or commercial or financial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept confidential in order to prevent undue injury to the competitive position of such person.

II QUORUMS

1. Except as provided in paragraph (3) of this section, a quorum for the transaction of Commission business shall consist of not less than six (6) members, provided that proxies shall not be counted in making a quorum. Upon the establishment of a quorum, a majority vote of those members present and voting shall be sufficient to conduct Commission business.

2. For purposes of any Commission or Committee business, a tie vote shall defeat the matter which gave rise to the tie.

3. For the purpose of taking sworn or unsworn testimony a quorum of the Commission or committee thereof, now or hereafter appointed, shall consist of at least one Congressional member of the Commission.

III PROXIES

When a record vote is taken by the Commission on any question, a quorum being present, a member who is unable to attend the meeting may submit his vote by written proxy if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded.

IV HEARINGS AND HEARING PROCEDURES

1. The Commission, or any committee or task force thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on

any measure or matter at least one week in advance of such hearing, unless the Commission or task force, determines that there is good cause to begin such hearing at an earlier date.

2. A witness appearing before the Commission, or any committee or task force thereof, shall file a written statement of his proposed testimony at least twenty-four hours (24) prior to his appearance, unless this requirement is waived by the Chairman, following a determination that there is good cause for failure of compliance. The Chairman of the Commission or any member thereof may administer oaths or affirmations to witnesses.

V COMMISSION REPORTS

When the Commission has ordered a measure or recommendation reported, following final action, the report thereon shall be filed, together with any additional, supplemental or minority views as appropriate, at the earliest practicable time. Upon the report of task forces made pursuant to the law, the Commission shall review and compile such reports, together with its independent findings, into a final report. Within six (6) months after the reports of the investigating task forces, the Commission shall submit its final report together with recommendations thereon, to the President of the Senate and the Speaker of the House.

2. The task forces shall have no power to issue subpenas or to administer oaths or affirmations. However, any task force may call upon the Commission or any committee thereof, in the Commission's discretion, to assist the task force in securing any testimony, material documents, or other information necessary for their investigation and study.

3. Each task force now in existence or hereafter created shall provide written quarterly reports to the Commission on the progress of the task force and, in the discretion of the Commission, an oral presentation of such report.

4. Each task force now in existence or hereafter created shall, within one year from the date of appointment of its members, submit to the Commission its final report of investigation and study together with recommendations thereon.

VII SUBPENAS

1. Upon the authorization of the Commission subpenas may be issued over the signature of the Chairman of the Commission or of any member designated by him or the Commission, and may be served by such person or persons as may be designated by such Chairman or member.

2. The provisions of sections 192 through 194, inclusive, of title 2, United States Code, shall apply in the case of any failure of any witness to comply with any subpena when summoned under this section.

VIII VACANCIES

1. A vacancy in the membership of the Commission shall not affect the power of the remaining members to execute the functions of the Commission, and shall be filled in the same manner as in the case of the original appointment.

IX DEFINITIONS

1. As used in these rules, the term "Act" or "Law" refers to Public Law 93-580, an Act to provide for the establishment of the American Indian Policy Review Commission.

2. As used in these rules, "Chairman" means that Congressional member first or thereafter selected by the Congressional members of the Commission pursuant to section 1 (c) of the Act.

3. As used in these rules, "members" means an individual appointed to the Commission pursuant to section 1(b) of the Act.

Chairman ABOUREZK. The next item of business, and we will have to do this by unanimous consent, is consider the Commission's staff or part of the staff so we can get this thing operating.

Is there any objection to consideration of that portion of business now?

Without objection, that will be what we will do.

I would like at this point to submit for the approval of the Commission the names of two professional staff people. As Staff Director of the Commission, Ernest L. Stevens, and we are getting résumés passed out now. As Staff Counsel or Chief Counsel, Kirke Kickingbird.

Senator HATFIELD. What are we considering now?

Chairman ABOUREZK. Staff director and staff counsel.

Senator METCALF. Mr. chairman, I have been on a lot of committees and on a lot of commissions. You are chairman. You are going to have to work with the staff. It is your staff. I would hope that you would be responsible. Do you recommend these two individuals?

Chairman ABOUREZK. Yes; I do.

Senator METCALF. What do you think, Lloyd? You are the Vice Chairman. You represent the House side.

Congressman MEEDS. I have not personally worked with Kirke Kickingbird. I think he is a fine young lawyer who has a great deal of experience in research and writing. I think probably he would make a fine Counsel. I am not personally well acquainted with Mr. Stevens but I have heard almost without exception very good things about him. From what I gather he is a tough, able administrator, which is what I think this position ought to be.

I must take this occasion to make it clear that while the staff must work with the Chairman, as the Senator from Montana has pointed out, the Chairman must work with the Commission. The Chairman is nothing more than the voice of the Commission, so the staff must also work with the Commission.

Chairman ABOUREZK. Absolutely.

Congressman MEEDS. The staff must work only with the Commission. This is a full-time job. While I am sure it need not be said, particularly after the publicity that the U.S. Senate has seen, that we do not want to see any of these staff members in Members' offices doing other than Commission business, and that they will be answerable to the Commission for their activities on the Commission and that only.

With those entreaties, admonitions, or whatever you want to call them. I would say in all probability both of these gentlemen would be well qualified from my knowledge of each of them.

Senator METCALF. Do you have any plan for orders for the staff? Have you secured anything from the Rules Committee?

Chairman ABOUREZK. I think what we are going to have to do is probably find out.

Senator METCALF. The staff is going to work in your office?

Chairman ABOUREZK. No; they will not work in any Member's office including mine. They are to do the work of the Commission only.

Senator METCALF. They will be housed separately?

Chairman ABOUREZK. Absolutely.

Senator HATFIELD. Mr. Chairman, as a member of the Rules Committee, I might just offer this as a matter of information. The Rules Committee, of course, is in a great bind trying to find sufficient space for existing committees. But we are in the process of utilizing the Carrol Arms part of the building, or the hotel that we now own. That is a small building that is just across from the New Senate Office Building which we are now in the process of doing a little rehabilitating to put offices in there.

So I would think that we might probably—I will certainly put a high priority with what force I have on the committee to get housing here on the Hill, and if this is possible, close to the offices where the Commissioners, Senators, and Congressmen will be working.

Senator METCALF. Mr. Chairman, I just wanted to make it perfectly clear that you are going to use the staff solely for Commission purposes and they are going to be housed some place other than in your own personal office.

Chairman ABOUREZK. Right.

Congressman MEEDS. Or any Member's office.

Senator METCALF. Or any other Member.

Chairman ABOUREZK. Yes.

Is there objection to the selection of those two staff members? We will have to get together with these two and with the other members of the Commission for the other staff members.

Congressman MEEDS. With the admonition, Mr. Chairman, that all staff will serve at the pleasure of the Commission, and upon the showing of unsatisfactory work or conduct those staff members can be changed.

Chairman ABOUREZK. Absolutely.

Congressman YATES. Mr. Chairman, I was impressed with the young man that I met at the American Indian Law Institute in Albuquerque at the University of New Mexico, who I thought was very impressive. His name is Sam Deloria.

Has anybody looked at his qualification apparatus?

Chairman ABOUREZK. Yes, I think he has been looked at.

Senator METCALF. I have known Sam Deloria. I am much impressed with him, too. I had hoped that the Chairman would decide that Sam would be his choice. I feel that it ought to be up to the Chairman.

Congressman YATES. I suppose that is true.

Senator METCALF. I have the highest regard for him.

Congressman YATES. I have the highest regard for him, too. I thought he was going to be under consideration here. I was rather surprised when I saw both these names. I have seen Mr. Stevens come before our committee and I was impressed with him. I do not know Mr. Kickingbird very well, although I think I met him at a meeting earlier.

Is he here in the room?

Chairman ABOUREZK. Yes, right here.

Congressman YATES. Yes, I remember him at the meeting we had.

Chairman ABOUREZK. I wonder if these two candidates would stand up. This is Ernie Stevens here, and Kirke Kickingbird on the left. Ernie is a former employee of the Bureau of Indian Affairs and had the privilege of being in disagreement with some of their policies at one point.

Congressman YATES. That is in his favor.

Chairman ABOUREZK. Kirke Kickingbird runs a law institute. He is a director of a law institute downtown. It is a public-interest law firm that is dealing with public Indian law that he runs. Kirke is an author.

Congressman YATES. What are the positions that will be available to this Commission other than the Director and Counsel?

Chairman ABOUREZK. There is one more professional staff position and three clerical. Professional staffers—probably the one's who will be coordinating the effort or anything else that the Commission wants to designate. The other three are clerical. Then there are task forces as the Commission sees fit.

Congressman YATES. What is the other professional staff? You have the Director. We have the General Counsel. What is the other staff?

Chairman ABOUREZK. This is just designated as professional staff.

Senator HATFIELD. Mr. Chairman, will these be full-time positions?

Chairman ABOUREZK. Yes.

Senator HATFIELD. Will Mr. Kickingbird be continuing his present relationship with his institute?

Chairman ABOUREZK. No. Both will be forced to separate themselves from whatever professional interests they have.

Senator HATFIELD. Mr. Chairman, it seems as though recently we had an experience where one of the Senate committees had a great deal of national focus and attention. The staff of those committees began to appear on many platforms, making speeches and other such things across the country, and oftentimes for honorariums.

I am just wondering what kind of criteria we should use, or guidelines, if we want to establish any, for the outside activities of our staff.

Chairman ABOUREZK. I would be in favor of setting guidelines for the staff. If they make appearances, it will be at the direction of the Commission, but not for honorariums. Only Senators and Congressmen ought to speak for honorariums. [General laughter.]

Congressman STEIGER. Mr. Chairman——

Chairman ABOUREZK. Should we get to this question before anything else happens here?

Is there any objection to the selection of these two people?

Congressman MEEDS. Mr. Chairman, in keeping with Mr. Yates question about Sam Deloria, I think the record ought to clearly reflect that he was under very serious consideration. He would have been my preference. It was only to preserve harmony. Clearly, I think the Chairman of the Commission and the members have to be able to work with the staff.

Congressman YATES. What about the other position?

Congressman MEEDS. It was indicated that one of the members of this Commission would not have felt comfortable working with Mr. Deloria, and that is very clearly why he is not being considered.

Let's just lay it on the table.

Chairman ABOUREZK. Let the record so show.

Congressman MEEDS. I think that we ought to be polled on the third member of the staff and consult with the other two members of staff who have been selected and get their impressions.

Senator METCALF. Mr. Chairman, I would hope to be consulted.

Chairman ABOUREZK. I think that ought to be done also.

Senator HATFIELD. Mr. Chairman, on the reorganization rules which have to do with staff, it indicates that each committee—this is not a committee but a Commission—that there shall be recognition given for minority staff.

Is that going to be given consideration by this Commission?

Congressman YATES. There is no space in the Capitol to put a minority representative.

Senator HATFIELD. Whoever works together as a staff, they would work in one location, I would think. I just raise the question.

Chairman ABOUREZK. What is the rule of the Commission? I have no objection to it myself.

Congressman STEIGER. I would tell the Chair, as a minority member, No. 1, I would hope that we would just not employ somebody just in order to fill a minority slot, and, No. 2, in the case of these two gentlemen, particularly Ernie Stevens, whom I have worked with myself 4 or 5 years now, I would hope that this would not become a partisan commission, is my expression. I think a designation as the minority counsel or minority staff, in my view, is not necessary. I

would hope that we could proceed in that spirit, recognizing in the event that the Senator and I feel overwhelmed, we can invoke at some later date some plaintive cry for help.

I will tell the Senator, that the staff so far designated is not going to be a problem.

Congressman MEEDS. Mr. Chairman, I would just like to also point out that there are only four positions left on the Commission's staff: three clerical and one professional. After that, we would be talking about task forces, which will be selected by the Commission. I would hope that would be a totally nonpartisan rather than bipartisan effort. That the minority and majority members would be consulted thoroughly and the opinions of professional staff, particularly, would be solicited on those task forces.

There is no reason that this should be partisanized in any fashion.

Chairman ABOUREZK. I do not think that is what the Senator had in mind.

Congressman MEEDS. I understand that.

Chairman ABOUREZK. Back to the question. Is there objection to selection of these two men? Their salaries will be determined and approved by the Commission at some point after we can negotiate.

Congressman STEIGER. You are going to pay them?

Congressman YATES. Will there be a salary?

Congressman MEEDS. Mr. Chairman, I ask for a call of the roll and yeas and nays since the act requires a majority vote.

Chairman ABOUREZK. All right. We will do that. We will take a yea and nay vote on the selection of Ernie Stevens and Kirke Kickingbird as Staff Director and Staff Counsel in that order.

Senator Metcalf?

Senator METCALF. Aye.

Chairman ABOUREZK. Congressman Meeds?

Congressman MEEDS. Aye.

Chairman ABOUREZK. Senator Hatfield?

Senator HATFIELD. Aye.

Chairman ABOUREZK. Congressmen Steiger?

Congressman STEIGER. Aye.

Chairman ABOUREZK. Congressman Yates?

Congressman YATES. Aye.

Chairman ABOUREZK. The Chairman votes, "Aye."

By the way, I am reminded by my own staff that the law does not allow the Commission to rent space. I was not aware of that.

Senator METCALF. We could accept the offer of Senator Hatfield to find such space. It is awfully hard to find space unless you have an advocate at headquarters.

Congressman STEIGER. I am sure the BIA would be happy to provide whatever space is necessary.

Congressman MEEDS. We have in our estimated budget a provision for rent. We put in the amount here. Who says that we do not have the power to rent?

Mr. CHVOTKIN. It is noticeably absent in the law that the Commission has authority to rent space. Checking with both the Senate Rules Committee and the House Legislative and Appropriations Subcommittee, they both assured me that absent clear authority for the Commission to rent space within the District of Columbia, the Commission cannot commit funds to rent space.

Congressman STEIGER. I believe the approval of the budget implies—since there is no prohibition—the approval of the budget for a line item for rent would give us a good argument.

Mr. CHVOTKIN. Such authority could be gotten from the Legislative Appropriations Committee in the House and they have been informed that the Commission may make such a request.

Senator METCALF. I do not think that is the problem.

Mr. CHVOTKIN. In the alternative I might point out Congress has just taken over the old FBI building on the House side and it may be a generous offer to allow the Commission's staff to be housed there—at least temporarily.

Congressman MEEDS. Mr. Chairman I point out in section 6(b) the Commission is authorized to utilize the services, information, facilities, and personnel of the executive departments and agencies of Government to get current, temporary, or intermediate services or whatever.

There is no question that we have a right to be in Federal buildings. I would suggest that our newly hired director and counsel get to work. I am very concerned that the facilities be separate from offices, or we are going to be subject to criticism if they are not.

Chairman ABOUREZK. What do your mean?

Congressman MEEDS. From our offices.

Chairman ABOUREZK. They have to be.

Senator METCALF. These men have to be housed in a separate office away from any member of the Commission.

Chairman ABOUREZK. That will be one of the first things that we have to do.

Senator METCALF. I think, Mr. Chairman, that we will leave it to you to negotiate.

Congressman MEEDS. Also, Mr. Chairman, if the gentleman will yield, that the staff also take such steps as are necessary to talk to the Appropriations Committee to obtain this right to rent, as a contingency, in case there is not space.

Chairman ABOUREZK. We will take care of that.

Senator HATFIELD. Mr. Chairman, what about equipment to staff an office? Do we have some expense for that?

Chairman ABOUREZK. Yes, we have a budget for that.

The next item that I think is called for is the selection of the Indian members of the Commission. Now we have got a couple of ways we can go on that. The law provides that immediately thereafter, which means, I suppose, just as soon as you can, for the selection of those people. I would recommend to the Commission that we probably try to do that now. We have, everybody has, a number of recommendations of people. We can either sit down and everybody write their first choice down on a ballot and we can tabulate it that way, or we can start it at the beginning and say, let's take the first opening for a federally recognized tribe and vote that way, find out who we select, and then one, two, three, in that order, and then to the urban member, then into the nonfederally recognized member.

What is the rule of the Commission on that? It would seem to me to be easier to tabulate if we did them one at a time.

Congressman MEEDS. The first member, the representative of federally recognized tribes.

Chairman ABOUREZK. Yes; whatever. Just pick the order and go that way.

Senator METCALF. Do we have one member?

Congressman MEEDS. Three members.

Chairman ABOUREZK. One from a nonfederally recognized and one urban member.

Is there any discussion on that on how we should go about it?

Congressman YATES. Mr. Chairman, I have received a number of recommendations from various tribes. I have received no recommendations of an urban Indian. What does the statute mean by an urban Indian? Is it one who lives in a city like Chicago? In my district we have a tremendous amount of Indians. Offhand, I do not know of any who would be qualified to represent the urban indians from the letters I have received.

Chairman ABOUREZK. Sid, in setting up this law, this is kind of what we had in mind on our side insofar as in determining which category of Indian members there ought to be. While they would not necessarily represent anybody, or one point of view, they would act as a lightning rod for that segment of the Indian community that they purport to represent.

That means that we should have somebody with an urban point of view, somebody else, perhaps, with the point of view of a nonfederally recognized tribe, and then try to pick perhaps a geographic area from federally recognized tribes since their problems are somewhat different around the country.

For example, water rights problems are paramount in the Southwest. There are other things that are paramount in the Great Plains, and then other things on the west coast as far as Indian tribes are concerned. That is roughly what we had in mind. It does not have to go that way. It would probably be a better balanced Commission if it were.

Congressman STEIGER. Mr. Chairman, I also think that we should all bear in mind, for those of us who have examined this problem already and attempt to balance the country geographically and so forth, among the five allotted spots it obviously presents some difficulty. However, in pointing to the nine task forces, as I understand it, this would be as good a time as any to resolve that. We are able to reach out from a point other than Commission members. The task force is for a specific job.

Is that not correct?

Chairman ABOUREZK. That is my understanding.

Congressman STEIGER. I think we ought to bear that in mind as we attempt to balance this thing geographically. We are not going to be able to do it in a fashion that I assume will satisfy all, yet we can pick up some slack in the task force.

Congressman MEEDS. Right.

Mr. Chairman——

Chairman ABOUREZK. Lloyd Meeds.

Congressman MEEDS. Are nominations open for the first position?

Chairman ABOUREZK. Yes, they are, if that is how you want to go. Do you want to take one at a time? Is there any objection to that?

Congressman STEIGER. I think we better.

Chairman ABOUREZK. Nominations are open.

Congressman MEEDS. Mr. Chairman, I would like to nominate as a representative from the federally recognized tribes Ada Deer, who is the head of the Menominee Restoration Committee and has worked with both of these committees in the passage of the Menominee legisla-

tion. In all respects she is one of the finest, most capable individuals I have met, a tremendously fine organizer who would bring to the Commission a great deal of prestige. She has acted very coolly and responsibly under very severe problems which have been developing in her whole area. And as we go down I am not saying that we ought to observe quaotas or anything, but it gives us an opportunity to select a woman who is one of the most capable people that we could select. So I would very much recommend to the Commission consideration of Ada Deer.

Chairman ABOUREZK. Ada Deer's nomination has been received.

Senator HATFIELD. Mr. Chairman.

Chairman ABOUREZK. Senator Hatfield.

Senator HATFIELD. I would like to ask a question at this point. I feel very much in agreement with Congressman Meeds about having a woman representative on the Commission—maybe more than one, I would like to have us consider, if that is possible, Lucy Covington, who is a Colville from your State. I worked with the Colville's on some of the problems in their area. But I would not put into nomination Lucy Covington if it is going to be a race between two here, and we have to drop one to elect one.

Is there any kind of thought here as to how many women, or do we think in those terms?

Congressman STEIGER. We are not sexist on this Commission, certainly.

Senator HATFIELD. Lucy Covington is a member of the National Congress. She has been very active in Northwestern tribes. I am sure, Lloyd, you know her better than I do. I would not mean to put her in competition or juxtaposition with your nominee.

Congressman MEEDS. Mr. Chairman, perhaps we ought to nominate a number of them and then vote on them. The one that received the most votes----

Senator METCALF. We have three members from organized tribes. Can we nominate and then probably vote on them and vote on the top three? Would that be satisfactory?

Chairman ABOUREZK. Whatever the Commission would like.

Congressman MEEDS. And take the top three.

Chairman ABOUREZK. Let us open it wide open for a nomination from federally recognized tribes.

Senator METCALF. There are three members from the federally recognized tribes.

Senator HATFIELD. May I make my nomination of Lucy Covington. Could I throw in, as long as I have the floor, a second nomination of Jake Whitecrow of Oklahoma?

Chairman ABOUREZK. If I might say, that is Senator Bartlett's nomination, too—Jake Whitecrow.

Congressman STEIGER. Is he from a recognized tribe?

Senator HATFIELD. Yes.

Chairman ABOUREZK. That is Senator Bartlett's recommendation—ranking minority on Indian Affairs.

Congressman STEIGER. Also, Mr. Ri[illegible]over, who is a freshmen Democrat Member of Congress from Oklahoma, specifically discussed Mr. Whitecrow with me. He was a recommendation of his.

Chairman ABOUREZK. He has good Oklahoma backing, apparently.

Senator METCALF. May I be recognized?

Chairman ABOUREZK. Senator Metcalf.

Senator METCALF. Mr. Chairman, I have a tremendous list of people who have been recommended for one of these positions. I have people recommended by a very respected Indian leader in my State and chairman of the National Association, people recommended by various people from many reservations.

In Montana we have some outstanding Indian leaders. We have had a lot of able, talented Indians. But down in Northern Cheyenne we have a new, aggressive, competent, and talented Indian leader—Teddy Rising Sun.

Congressman MEEDS. Are you nominating him?

Senator METCALF. I am passing over all of these other nominations suggested by many people from my State. My own experience is that Teddy Rising Sun is the new, aggressive leader to consider from the Northern Cheyenne, and I am not going to nominate any of the others. I do not want to get into competition, although in Montana we have a lot of outstanding Indian leaders and they have been respected and recognized by the Council of American Indians.

So Teddy Rising Sun is my nominee.

Congressman MEEDS. Northern Cheyenne?

Senator METCALF. Northern Cheyenne.

Chairman ABOUREZK. Teddy Rising Sun. Any other nominations?

Congressman YATES. How many names do we have?

Chairman ABOUREZK. Four so far. I have some nominations.

Congressman STEIGER. I have some to put forth.

Congressman YATES. I was impressed with Whitecrow. I just talked to him.

Congressman STEIGER. You are easily impressed.

Congressman MEEDS. Mr. Chairman, I would like to point out that there is a prohibition against the selection of more than one member of a given tribe. So we will have to be careful in this method of selection, if we come up with a selection by this process, so if we select more than one member from a given tribe, we will have to choose between the two.

Mr. Chairman, with that in mind I would like to enter in nomination for representatives from federally recognized tribes several more names. I would like to nominate Dr. Annie Wauneka. Dr. Wauneka is a member of the Navajo tribe a very respected person who was selected by the tribal council as their nominee, the Navajo nominee to this Commission. I am not overwhelmed by Navajo strength or anything like that, but I think that this Commission must recognize that almost one-third of almost all Indians on reservations today are all on the Navajo Reservation.

It seems to me that we clearly must have certainly a nomination and I hope selection of one of the members of the Navajo tribe. So I place in nomination Dr. Annie Wauneka.

Chairman ABOUREZK. I have that down. I just want to make a comment on the fact that the size of the Navajo tribe was not taken into consideration during the Hopi-Navajo district by the Arizona delegation.

Congressman MEEDS. It certainly was not.

Mr. Chairman, I would like to place in nomination two more names—John Borbridge, who is a Tlingit, I think.

Chairman ABOUREZK. Alaskan?

Congressman MEEDS. Southeast Alaska. John Borbridge and Charles Edwardsen.

Chairman ABOUREZK. What tribe is that?

Congressman MEEDS. Charles Edwardsen is an Eskimo from the North Slope. John Borbridge is from the Tlingit. I think a number of the members have observed both of these individuals. John Borbridge is an extremely articulate, capable lobbyist, head of the organization Sea Alaska, Southeast Alaska Regional Corp., and has worked very hard with us on the passage of the Alaskan Land Claims.

Charles Edwardsen is an Eskimo, one of the most intelligent individuals I have met in my life, extremely intelligent, a strong person. He has a speech impediment, but you would never know it unless you heard it. He has had a handicap who has moved into the mainstream. Indeed, is on the leading edge of change. Some people may think he is a flamethrower, but I think he is a pretty reasonable, responsible young person and very capable.

I am placing these names in nomination with the realization that I will only be able to vote for one of them or for three of these people. I would like to think all of these people have a good opportunity to be before this Commission.

Chairman ABOUREZK. Do you have other nominations?

Congressman MEEDS. Not at this time.

Chairman ABOUREZK. So Borbridge and Edwardsen are your last two. Are there any other nominations?

Congressman STEIGER. Yes; Mr. Chairman. For tribal nominations I would like to nominate from the Colorado River Indians by resolution—his name is Phillip Martin. He is a Mississippi Choctaw working in Arizona. Wait a minute.

Chairman ABOUREZK. I think he is chairman of this tribe.

Senator HATFIELD. Senator Eastland has asked me to make sure his name is considered.

Congressman STEIGER. In that event, Mr. Chairman, Senator Hatfield could nominate him.

Senator HATFIELD. All right. If you would like, I will put into nomination Phillip Martin. He is tribal chaiman of the Mississippi band of Choctaw—on behalf of Senator Eastland.

Chairman ABOUREZK. Are there other nominations?

Congressman STEIGER. I have one more, Mr. Chairman. The first is a White Mountain Apache vice chairman named West Anderson. He is a White Mountain Apache.

Mr. Chairman, I do not know if the Commission is aware, recognizing that the Navajos are certainly a force in the Indian world just by virtue of their size. There is a feeling that they do not represent any area except themselves.

I would hope in the geographic selection here we do recognize some need to have a Southwest representative, hopefully, in addition to the Navajo. Again, I will invoke my own stipulation that after we see how the Commission shapes up, we can then go back and assign the task force to insure input from all over the country because I know the Chair feels that is important.

I would suggest the Navajo is not a good example of a geographic area but rather of the Navajo themselves.

Congressman YATES. Mr. Chairman, I have some nominations if Mr. Steiger has completed his.

Congressman STEIGER. Yes.

Congressman YATES. I have some letters here, one from Congressman William S. Cohen from Maine, which says that he would like me to submit for the consideration of the Commission the name of John Stevens, who was the Maine commissioner of Indian Affairs.

Congressman MEEDS. He is from a nonfederally recognized tribe.

Congressman YATES. All right. I will submit it at the proper time.

I have a letter, too, from Congressman Donald Fraser recommending the name of Mr. Leon Cook, who is a member of the Red Lake Chippewa tribe. And Congressman Fraser points out that Mr. Cook has a B.A. degree from St. John's University, a master's degree in sociology from the University of Minnesota. He is a former chairman of the National Congress of American Indians and he has served as Director of Economic Development for the Bureau of Indian Affairs. Recently, he developed a job-training component for the new Minneapolis Urban American Indian Center, and he is presently a member of his tribal council and has received excellent recommendations from a wide range of urban Indian groups.

Does that mean that he qualifies for the urban Indian?

Congressman STEIGER. Mr. Chairman.

Mr. Yates, you are right. He is an excellent choice. He has expressed a personal preference to be an urban representative because of his urban background.

Congressman YATES. I withdraw that.

I must say, in all honesty, Mr. Chairman, I have received letters from approximately 30 to 40 different people whom I do not know and I do not know whether it is fair or not to consider their names.

For example, here is a telegram from the executive director of the Cherokee Nation of Oklahoma, who highly endorses Mr. Ed Mouss for the position of Special Indian Commission. Another one——

Chairman ABOUREZK. Sid, if you would like to nominate him——

Congressman YATES. I would be remiss if I did not place in nomination the names of all that I have received from the various nations.

Senator METCALF. We all have letters like that. I have 32 names.

Congressman YATES. I think they should all be placed in nomination inasmuch as they have been submitted by their tribes. The question of selecting them, I think, is another process. Certainly the names should be placed into consideration. I just do not know them. Perhaps some of you do.

For example, I got one from chief of the Seminole National Tribe of Oklahoma, the name of Enoch L. Haney, who wanted a younger man. Here is Peter MacDonald of the Navajos, who is also listed here.

Congressman STEIGER. I do not think it is necessary to list everybody whose name you got.

Senator METCALF. Mr. Chairman, I have 10 Montana Indians that have been recommended by various people. Some have been recommended by many associations. I went outside of it and nominated Teddy Rising Sun, even though he was not in that group. I do not feel I have to nominate some of these others for whom I have a great deal of respect and with whom I worked over many years. We only have three members of this Commission. I do not see why I should nominate eight people.

Congressman STEIGER. If the Senator would yield. You would actually do us a great service by making a selection. Obviously, you are the best qualified to do that.

Senator METCALF. In that group.

Congressman STEIGER. You do us a great service.

Senator METCALF. In answer to Sid, I have refrained from nominating——

Congressman YATES. You know that.

Senator METCALF. Even though they were completely qualified and would be splendid and able commissioners.

Congressman YATES. I must say in all honesty——

Senator METCALF. I went for broke with one.

Congressman YATES. I must say in all honesty I do not know any of the people whose names I received. Therefore, I am not in a position to recommend them but I thought that the record should show at least, except that I did not meet Mr. Whitecrow and I was impressed by him.

Chairman ABOUREZK. Are there any other nominations?

Congressman STEIGER. I move the nominations be closed.

Chairman ABOUREZK. I have some.

Congressman MEEDS. Mr. Chairman, I do feel that the Commission ought to have the opportunity to pass upon one further person—Joe Delacruz, who is a young tribal leader from the Quinault Indians in Washington. He is an exceedingly fine young man and has taken the difficult job of leadership of the Quinaults, who have a substantial resource in fisheries and has expanded through a commission on fisheries in his own tribe a great deal of funding and has developed one of the better Indian fisheries in the entire United States. A very capable young man, Joe Delacruz, who is a Quinault.

Chairman ABOUREZK. Joe Delacruz, a Quinault. That is 10 so far.

Congressman STEIGER. Do I understand, Mr. Chairman—parliamentary inquiry. All we are going to do is select the three tribal representatives at this time?

Chairman ABOUREZK. Right.

Congressman YATES. Mr. Chairman, I have a letter here from Senator Quentin Burdick.

Chairman ABOUREZK. Jim Henry?

Congressman YATES. Yes.

Chairman ABOUREZK. That will be one of my nominations, unless you want to do it.

Congressman YATES. I am just submitting Senator Burdick's recommendation. I also have a telegram from Mr. Claude Cox, who is the principal chief of the Creek Nation. He says on behalf of the five tribes of Oklahoma—consisting of Creek, the Choctaw, the Chickasaw, the Cherokee, and Seminole tribes—they recommend Edward Mouss from Oklahoma as being one of the commissioners.

I think perhaps his name should go in. I nominate Edward Mouss on behalf of the five tribes. I think he is a Cherokee because I have a telegram from the Cherokee Nation endorsing Ed Mouss, too.

Congressman MEEDS. A good friend from the Creek Nation.

Congressman YATES. He is now executive director of the Creek Nation. He has a master's degree from Oklahoma State, a master's in urban planning, and he wants his name placed in nomination and I so do.

Chairman ABOUREZK. I have had three recommendations from the South Dakota tribe, one of which corresponds with Senator Burdick's—that is James Henry, Turtle Mountain band of the Chippewa. And the second one is Wayne Ducheneaux of the Cheyenne Sioux Butte tribe.

Congressman MEEDS. Brother of the counsel of Indian Affairs Subcommittee.

Chairman ABOUREZK. Yes. Jerry Flute of the Sisseton Wahpeton Sioux. And I am submitting one additional nomination; that is Bob Burnett, who is chairman of my own reservation, the Rosebud Sioux.

Now that is 14. I have one other nomination—Elmer Savilla, who is a tribal chairman of the Quechan Tribe in California and Arizona.

Congressman STEIGER. Are we going to discuss these people at all?

Senator METCALF. I am going to move we go into executive session. May we discuss some of these candidates back and forth?

Congressman YATES. We are only voting on the top three now.

Senator METCALF. I would like to have a chance to talk about them. I know almost all of these candidates. In respect to Bob Burnett, for instance, he has been recommended by John Allen and John Windy Boy.

Are nominations closed?

Chairman ABOUREZK. Are there any other nominations?

Senator METCALF. May we go into executive session?

Congressman STEIGER. I think we better.

Chairman ABOUREZK. We have to take a vote on going into executive session. There has been a motion to go into executive session.

All those in favor say aye.

[A chorus of ayes.]

Chairman ABOUREZK. All those opposed, no. [No response.] The ayes have it.

[A brief recess was taken.]

Chairman ABOUREZK. Let us go back on the record and I will entertain a motion.

Congressman MEEDS. As I understand the results, the people elected are Ada Deer, John Borbridge, and Jake Whitecrow.

Chairman ABOUREZK. Those are the federally recognized tribes.

Congressman MEEDS. Louis Bruce, representing urban Indians, Adolph Dial, representing nonfederally recognized Indians.

This then confirms their election subject only to their acceptance.

Chairman ABOUREZK. We will entertain a motion to that effect.

Congressman MEEDS. I so move.

Chairman ABOUREZK. Without objection, their nominations are confirmed subject to their acceptance.

Congressman STEIGER. Mr. Chairman before we get to the salaries, because I assume we will break up at that, do you want to do any of the task forces now?

Chairman ABOUREZK. Would it be a good idea to wait for the Indian members to meet?

Congressman MEEDS. I think so.

Chairman ABOUREZK. Sam, I would like to have the staff drawing up alternatives as to what kind of task forces we want and we will try to get those to the members before the next meeting.

Without objection, the Commission will adjourn.

[Whereupon, at 5:25 p.m., the Commission adjourned, to reconvene subject to the call of the Chair.]

MEETING OF THE AMERICAN INDIAN POLICY REVIEW COMMISSION

FRIDAY, MAY 2, 1975

AMERICAN INDIAN POLICY REVIEW COMMISSION,
Washington, D.C.

The Commission met, pursuant to notice, at 9:45 a.m., in room 1114, Dirksen Senate Office Building, Senator James Abourezk, presiding.

Present: Senators Abourezk and Metcalf; Congressmen Meeds and Steiger; Commissioners Louis R. Bruce, Adolph Dial, Ms. Ada Deer, Jack Whitecrow, and John Borbridge.

Staff present: Ernest Stevens, and Kirke Kickingbird.

Senator METCALF. The American Indian Policy Review Commission will come to order.

First of all, I would like to welcome everybody who is attending this meeting today—the first business meeting of the Commissioners.

Chairman ABOUREZK. The American Indian Policy Review Commission is beginning its deliberations and examinations of the unique Federal status of American Indian tribes today. It is the first meeting of both the congressional and Indian members of the Commission. Today marks the culmination of 2 years of work for a lot of people.

The Commission will conduct a sweeping review of the U.S. historical and legal relationship with American Indians which will be completed by June 30, 1977. Today then marks the beginning of 2 more years of work for many other people. We have great expectations for the work of this Commission and its staff.

The information compiled as a result of this study will provide the intellectual framework for future American Indian policy. It is my hope that the smallest impact of our work will be to stop the dehumanization of American Indian people.

This study will examine the difference between promise and performance on the part of the American Government and will try to determine what went wrong with the American Indian policy and what we can do to correct it.

This study will examine the difference between white and Indian society and the difference between the different kinds of Indian tribes and societies

I hope that the work of this Commission will offer a beginning for the entry of American Indian participation in the benefits of mainstream American society without the destruction of their values, culture, and remaining homelands.

I want to welcome all the Commission members who are here today.

Some of the congressional members—Senator Hatfield and Congressman Yates—are unable to attend.

This is going to be a continuous problem because all of us will have conflicts. There is always a great many other things going on at the same time.

I am very happy to welcome the New England members of the Commission and, also, the gratitude of all the Commission, to Justice Bryon White, U.S. Supreme Court, for conducting the swearing-in ceremony which will now begin.

We will ask Justice White to take over now.

Justice WHITE. Would the new members like to come down here or would they like to stay where they are. They may stay there if they wish.

I shall hold the Bible for you and you can repeat after me. When I say, "I", you say, "I", then repeat your name and we will go on from there.

Please hold up your right hand.

Whereupon,

Senator James Abourezk, Congressman Lloyd Meeds, Senator Lee Metcalf, Congressman Sam Steiger, Mr. Louis R. Bruce, Mr. Adolph Dial, Ms. Ada Deer, Mr. Jake Whitecrow, Mr. John Borbridge, Mr. Ernest Stevens, and Mr. Kirke Kickingbird were duly sworn.

Justice WHITE. Congratulations.

Chairman ABOUREZK. I would now like to call upon the Vice Chairman of the Commission, Congressman Meeds, to make whatever opening remarks he wishes to make.

Congressman Meeds.

Congressman MEEDS. Thank you very much, Mr. Chairman.

Members of the Commission, ladies and gentlemen, as we approach our Bicentennial anniversary, I think it has been clear that our Government's policy over this 200-year period towards the Indians has lurched, and I use the word, "lurched" advisedly, between extermination, crimination, assimilation, determination, and self-determination and a lot of other waypoints in between.

The policy has not been a preconceived policy, but, rather has been shaped by the events which later makes the policy.

That is precisely what we are trying to intercept by the formation of this Commission and its activities. We are trying to shape change rather than have change shape us.

Now, there are a number of things one undertakes to shape change. The danger is that one will go too far or will not go far enough.

I am always reminded of what former Associate Justice Abe Fortas said when he spoke of social revolution. He said,

> In a social revolution and the demand for action, procedures for restitution and for reformation are not easily made. The demand is not satisfied by initial or moderate response. It is fed by the fervor as the demand increases and injustice is admitted and some steps are taken to meet it. As demand outstrips the early response, attitudes on both sides harden and frustration sets in. Those demanding change see no prospect of satisfaction. Those who initially offer to reform despair of a reasonable resolution and so conflict and crisis occur.

I feel our role here today is to prevent conflict and crisis, to make the study of an ultimate policy toward American Indians a political evolution, not a revolution, where there is no prospect of change. Rather where there is a prospect of change, change which the society can and will accept. If we can walk this very narrow ledge between moderation and extreme, and produce a report which establishes some

guideposts for logical, rational policy by this Government toward Indians I think we will have met our charge.

Thank you very much, Mr. Chairman.

Chairman ABOUREZK. Congressman Meeds, thank you very much for an excellent statement.

Senator Metcalf.

Senator METCALF. Mr. Chairman, I am, of course, looking forward to working with you and Congressman Meeds and the splendid representatives from the various Indian communities throughout the United States.

I want to be a working member, not a member making a statement.

I want to remind you, however, that when I came to Congress in 1953, the first item on the agenda of the Interior Committee, to which I was assigned over in the House of Representatives, was the determination of these Flathead Tribes in the State of Montana.

Since then I have observed many vacillations in Indian policy and Indian programs, certainly at this end of the congressional ladder, and down at BIA, up in Alaska working with our new Commissioner, Mr. Borbridge, on upper Alaskan American claims.

I am excited about this for the first time during the 20 some years I have been in Congress, that we are going to take an overall look at the history, the policy, and the programs of the Federal Government as we approach the Bicentennial Year.

I am hopeful that out of this survey and out of the work with these distinguished Indian leaders that we will be able to draft an Indian program and an Indian policy that will restore some of the programs that we should have in America by our first Americans.

Chairman ABOUREZK. Thank you very much, Senator Metcalf.

Congressmen Steiger.

Congressman STEIGER. Thank you, Mr. Chairman.

I can only speak for this member of the Commission. My personal goals on this Commission are: First, that whatever Indian policy we have, if indeed we have one, is a failure; second, that we do not attempt to fix the blame on individuals; third, that we recognize that it is the structure that is at fault; and fourth, that we propose a structure that is capable of success.

Congressman Meeds just mentioned evolution. I think the temptation to fix the blame is going to be overwhelming at times. I think it is pointless.

I hope, as I am sure you all do, that this is a going forward and not a review of past failures.

Thank you, Mr. Chairman.

Chairman ABOUREZK. Thank you.

Commission member Ms. Deer.

Commissioner Deer. I am honored to be a member of the American Indian Policy Review Commission as an individual and as an American Indian.

We American Indians have the tremendous responsibility to make a maximum effort to involve ourselves in the works of the Commission to insure that the U.S. American Indian policy is designed to best serve the needs of all American Indian tribes and peoples.

We must impress upon Congress the validity of our understanding of the United States-American Indian relationships.

We must assure that Congress honors its obligation to recognize the American Indian tribes as having sovereignty and jurisdiction over our own land, resources, and affairs.

We must insist upon Federal protection of our land and not Federal domination of our lands and lives. We must assist the United States in the development of programs which will best suit the needs of all American Indians.

We must do what American Indians have never successfully done. Unite for the benefit for all American Indians. Indians have been challenged to work for changes for the U.S. American Indian policy which we have talked about for so long. We cannot afford to lose or abuse this unprecedented opportunity for self-determination.

I have a longer statement which I will insert into the record, but, let me say that I am pleased and honored and look forward to working with the Commission. And, I know as an individual I do not intend to let this be another study that gathers dust.

I feel that it is imperative that all of us work, using the knowledge and expertise that we all have in our various capacities to develop a cornerstone of policy that can be used to improve the lives of American Indians for the future.

Thank you.

[Commissioner Deer's prepared statement follows.]

PREPARED STATEMENT OF ADA DEER

I am honored to be a member of the American Indian Policy Review Commission, as an individual and as an American Indian.

The American Indian Policy Review Commission is a unique and long overdue effort with a tremendous scope of work and a tremendous responsibility.

Never before has Congress itself attempted to make a comprehensive study of the unique and direct relationship between the United States of America and American Indian Tribes and peoples.

Never before has Congress attempted to develop a consistent and comprehensive United States policy towards American Indian Tribes and peoples.

Never before have American Indians had the opportunity to influence the policy and practices of the United States on this scale.

We, American Indians, have the tremendous responsibility to make a maximum effort to involve ourselves in the work of this commission, to ensure that U.S. American Indian Policy is designed to best serve the needs and desires of all American Indian Tribes and peoples. We must impress upon Congress the validity of our understanding of the U.S. American Indian relationship. Above all, we must ensure that Congress honors its obligation to recognize American Indian tribes as having sovereignty and jurisdiction over our own lands, resources, and affairs. We must insist upon federal protection of our lands, not federal domination of our lands and lives. We must assist the U.S. in the development of programs and service delivery which will best suit the needs of all American Indians. We must now do what American Indians have never successfully done, unite for the benefit of all American Indians. We, American Indians, have been challenged to work for the changes in U.S. American Indian Policy which we have talked about for so long. We cannot afford to lose, or to abuse, this unprecedented opportunity for self-determination.

The United States has long had the responsibility to accurately and objectively analyze the legal and moral basis of its relationship to American Indian Tribes and peoples. This analysis must be made without regard to party philosophy or goals, to social hypotheses of assimilation, integration, development and exploitation, or to economic crises of the so-called "majority culture". Such an analysis is the purpose of the American Indian Policy Review Commission. This commission represents a decisive break with past U.S. practices of unilateral, capricious, and piecemeal "policies" of dubious legality. It has tremendous potential for good, for both Indians and non-Indians.

Congress must act on the findings and recommendations of the American Indian Policy Review Commission. For better or worse, I have an abiding faith in working through the "system" which over the years has been imposed on American Indians. We, Menominees, are engaged in a struggle for justice which goes to the very heart of American Indian concerns. We have regained federal recognition of our status and sovereignty as an American Indian Tribe. We have reestablished the federal trust protection over our tribal

lands. Like all other tribes, we are engaged in the continuing effort to establish and maintain our tribal right of self-determination. If Congress ignores the findings and recommendations of the commission, our work becomes just one more Indian study gathering dust. On the eve of the American Bicentennial, Congress can act to create order and justice out of the chaos called American Indian Policy. The alternative is another century of what we Indians call the Trail of Broken Treaties.

Chairman ABOUREZK. Thank you, Commissioner Ada Deer.

Commissioner Louis Bruce.

Commissioner BRUCE. Thank you, Mr. Chairman, I did not prepare a speech, we were told that we should not.

Chairman ABOUREZK. Would you yield for a moment and disregard that advice.

Commissioner BRUCE. I cannot help but feel a sense of humiliation because as I sat at that table more than once with all of the questions that used to come from Senator Metcalf and Congressman Steiger and Senator Abourezk, I never thought I would see the day that I would sit behind here looking out.

I also cannot help but regard the last time I sat in front of Senator Abourezk, very much concerned and very much downhearted and discouraged and worried and wondered what the future was.

It did not take me long to realize that it was going to take a turn for the better. Some of you know that I have a great interest in a specific football team and that is the Redskins.

I have been very much concerned and upset as a younger guy when people say well, he is too old to play and I look back at the time when I sat in front of Senator Abourezk and here is a quote from Jurgensen which I would like to read.

At that time, I really felt this way. "I did not want it to happen this way. I still feel I can make a contribution. I can still help somebody win. Apparently they do not feel that way."

Let me close by saying, apparently, these people feel that way and I am deeply honored at least to be a member of this Commission.

I am looking forward to working with my people again.

Congressman MEEDS. Glad to have you, Commissioner.

Chairman ABOUREZK. This is the last retirement team we will have. We thought we would let you on your first day, if you want to practice on Commissioner Maury Thompson.

We would like to welcome Mr. Thompson to the meeting today. Commissioner Jake Whitecrow.

Commissioner WHITECROW. I want to make sure we are on the air. Mr. Chairman and members of the Commission, all the guests here today: As far as I am personally concerned, I want to assure everyone that I am deeply honored to be selected to serve in this capacity to bring about a thorough study of the American Indian policy as established by the Federal Government. To make a determination and take a real look at the past associations the Federal Government has had with American Indians and to take a look at the entire organizational structure that the Federal Government has. We hope by the end of the complete study we will bring about an organizational structure that will perhaps be more realistic and more far reaching.

We hope it will assist those Indian tribes throughout the United States to do those things which they wish to do.

In regard to this, I feel that tribal governments throughout the United States, the Indian organizations that are active in the urban metropolitan areas, the nonrecognized tribes in the State federated or terminated Indians, all need a complete review.

I think the Commission has a tremendous task before it and we are looking forward now to setting a work schedule for the various task forces that will be functioning under this Commission.

We realize that there is a tremendous job ahead. Many people in the general public are not aware of the unique relationship that the American Indian, through the various treaty obligations, has with the Federal Government.

We certainly hope that these relationships will be brought out and given justifiable, thorough recognition and study by this Commission.

Once again, I want to tell you how much it means to me to have an opportunity to serve on a Commission of this nature.

I think we will be looking forward to a wonderful relationship with the outsanding people that have been selected to serve on this Commission. After visiting with them yesterday, and in many cases, only meeting them for the first time, brought to my attention, and particularly gave me a very warm gratification in the fact that each and every one of them are as sincere as I in bringing about a realistic reform.

Thank you.

Chairman ABOUREZK. Thank you, Commissioner Whitecrow. Commissioner Adolph Dial.

Commissioner DIAL. Mr. Chairman, I do not have a prepared statement because I was not expecting to give one. It takes about an hour to give a statement. In that case, I would like to say that I feel very honored to serve in this position.

I would like to also state that I am glad that this Commission includes the nine federally recognized tribes. I hope the Commission will make a useful study, one that history will show that 1975 was the beginning of a new era in American history and also the beginning of a new era in American Indian policy.

Thank you.

Chairman ABOUREZK. Thank you, Commissioner Dial. Commissioner John Borbridge from Alaska.

Commissioner BORBRIDGE. Thank you, Mr. Chairman. Mr. Chairman and fellow Commission members and guests, it is both with a sense of awe and perhaps an awareness of the privilege of serving that I recognize the task that faces us as we begin a 2-year journey.

I am impressed with the promise that lies before us simply because I have had the opportunity to observe and hear about my fellow Commission members.

I am encouraged by the previous demonstration of their concern for their people. I am concerned too that as we begin this journey and as we move toward the objective of coming out with a complete effort, that we will also be avoiding some of the mistakes that have been made and to come out with an analysis, with recommendations and insure to the fullest extent possible, that those recommendations be received with serious consideration and are actually enacted contrary to some studies which unfortunately have gathered dust and been forgotten.

I recognize fully that if there is one thing that strikes me about our people across the Nation, it is the diversity of condition of desires, even though there is within those desires, a certain community of desires and I recognize, therefore, that we would not only be advocating and urging but that we will be listening.

In the process, we will be undergoing the process of being educated by our people through their communications in the process of the hearings which will be conducted, in various parts of the country.

It seems very appropriate that this should occur as we are moving toward the Bicentennial, having had the privilege as others have had of teaching young people on the secondary level, history clearly indicates a relatively unappreciated but very vital and important role that has been played by the American Indian people.

One not only has to look at the public domain lands to realize that the largest area of those public domains have been acquired from the Indian peoples, some of them unfortunately. However, history can overlook that.

I am sure that we will work in a positive vein to help shape, in conjunction with the people who will be helping to guide us to some of the solutions to the concerns, and that we will move in a positive way so that whatever else may occur as a result of our efforts, they will be marked by accomplishment and they will be marked by a type of change that all of us strived for.

I would like to conclude, Mr. Chairman, with the observation made by one of my Indian elders who related to me the following:

He said he had walked up into the woods with a friend of his and they were hunting for a bear. His friend had a rifle and he had a .22.

I do not know why he had a .22 if he was hunting for a bear but he did. They spotted one and he proceeded to take several shots at this bear.

The bear being very annoyed started to make a charge at him. He kept firing and firing and he looked at his friend who just stood there. Finally the bear dropped at his feet. Being somewhat annoyed and shakey, he said why didn't you get out your rifle and give me a hand?

Well, his friend said, it was your bear. I guess this is our bear.

Chairman ABOUREZK. Thank you very much. Two of the congressional members, as I mentioned, were unable to attend today because of out of town scheduling commitments—Congressman Sid Yates and Senator Mark Hatfield, who has asked me to read this letter.

It is with regret that I must be away from Washington on Friday, May 2.

Unfortunately, the longstanding commitments preclude my attending the meeting of the American Indian Policy Review Commission.

I am sorry about this but I am sure you understand.

I do, however, want to join with you in welcoming the Indian members of the Commission. I am looking forward to actively participating in the important work of the Commission and I am confident that through this effort, we can provide the Congress and the American people with some meaningful and constructive reports and recommendations.

With warmest personal regards,

Sincerely,

Senator MARK HATFIELD.

I have a couple of other announcements. LaDonna Harris, who is president of Americans for Indian Opportunity was invited to attend the meeting today as a guest of the Commission, as all of you here are guests, and she has indicated her regret at being called out of town at this time. I would like to read this letter from LaDonna.

I am very sorry I cannot be there in person with the rest of our staff to share with you the beginning of the work of the Policy Review Commission.

We wanted to show you how much confidence we have in you by inviting our friends to join us in this reception this morning—unfortunately a last-minute emergency called me away.

Nevertheless, my Board of Directors and our staff join me in congratulating you in your selection. We look forward to working with all of you in the best interests of Indian people.

We feel very deeply about the work you have been commissioned to do because what you do will affect not only us and our children but our children's children and perhaps survival itself.

We believe you can serve another function as well. You can develop policy through which the larger society will be able to recognize, understand and respect the special role of Native Americans in the development of this country and by which they can begin to honor the commitments made to us.

Perhaps once our government learns to understand and deal honestly and openly with its First Citizens, we can begin to understand how to live with the rest of the world.

Again, we congratulate you and offer our advice and assistance.

With warm regards,

LADONNA HARRIS, *President.*

The Americans for Indian Opportunity have in fact, provided the refreshments for a short coffeebreak they will now take, since this first part of the morning is largely a ceremonial swearing-in and welcoming with opening remarks and so on.

We will have a short coffeebreak sponsored by Americans for Indian Opportunity at which members of the public will have a chance to talk with the Commissioners.

We will recess for 15 minutes.

[A brief recess was taken.]

Chairman ABOUREZK. The Commission will be called to order. We have some specific items of business to attend to.

First of all the National Congress of the American Indians is holding a meeting in Denver next month which, I am told by the president, has on the agenda, the business of seeing what kind of assistance the National Congress and its members can provide with regard to appointing task forces, the agenda for the task forces, and so on.

It is a discussion of many of the tribal people from around the country and how they can assist us. They have requested that we send a staffperson, Ernie Stevens, out to attend the meeting to make a presentation and, of course, to receive the input that they want to provide.

All he needs is a bulletproof vest. First of all, I want to express my thanks to Chuck Trimble, the executive director, the president and your membership for inviting the representative of the Commission out there.

I would like to entertain a motion right now to send Ernie out to represent the Commission.

Commissioner BRUCE. I so move.

Chairman ABOUREZK. Congressman Meeds.

Congressman MEEDS. I move that the Chairman be authorized to send Ernie Stevens to the convention to explain and discuss with those members the Indian Policy Review Commission.

Chairman ABOUREZK. Is there a second?

Commissioner BRUCE. I would second it.

Chairman ABOUREZK. It is seconded by Commissioner Louis Bruce. Without objection, that is what will take place.

We would like to have the Staff Director and the chief counsel of the Commission, Ernie Stevens and Kirke Kickingbird, present the progress of the staff to date and also the Commission overview as well as a legislative analysis.

I want to introduce, first of all, Ernie Stevens, the staff director on the right, and over here, Kirke Kickingbird, the staff counsel.

Ernie, if you would like to proceed.

Mr. STEVENS. Thank you, Mr. Chairman. Most of the work that we have been involved with in the beginning for the Commissioners information, as scheduled, is in the director's progress report in your book.

One of the things we found in the early part, we never knew how unique the Commission was until we decided to start going.

As a matter of fact, we just received a copy today of some rough drawings, so most of the things we have been involved with, come into the area of nuts and bolts.

We now have temporary offices in G-323 in this building, and we are contemplating space in the old FBI Building. This was possibly because of investigations, I do not know.

When they saw investigating task force, they thought they should give us appropriate space. They are presently remodeling that for our use, at no cost to our budget, incidentally.

The budget estimates that we have prepared are based on some assumptions which are also included in your book, and possibly later on when we deal with that, Mr. Chairman, we will go over that in a little bit more detail.

The budget was based on the assumptions and some of the discussions we had with the subchairmen and some of the Commission members.

Also some of the budget is limited and confined to the legislation which Kirke is going into. We prepared general plans and orientation material for the task forces. Later on, after lunch, under the proposed operations plans, we will see how we propose to proceed with the task forces.

Also, the staffing of the task forces will be discussed.

We have been involved with the preparation for the first Commission meeting and, as I said before, the logistics and some of the problems appeared to be a little bit more serious than they really are.

Chairman ABOUREZK. Ernie, if I may interrupt here just a minute. I have been going through this.

The staff has not been able to find office space because there just is not any up here near the Hill. They finally found some but it will be several weeks yet before you can get into it.

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. The Government is remodeling it. It is in the old FBI Building. The Separation of Powers Subcommittee had a desk in there and that was about all.

They just got telephones put in just a few days ago. Aside from all of the physical problems they have had to overcome, they have been fighting off disgruntled jobseekers.

Incidentally, I just might tell you they work until late hours every night and start early every morning. With that effort, they have been able to put together this first meeting as well as getting everything else done.

I thought the Commission members ought to know the kind of work the staff has been doing.

Mr. STEVENS. In coordination with communications; we have forwarded a good many of the letters to you and we will see that you get copies of the communicatons from the various organizations, tribes, applications, and so on.

We have done some preliminary research into the task force areas. Some of the sketches are in the back of your book.

They are only for the consideration of the Commission to provide some stimulus for some of the discussions related to those subjects.

They were not intended on our part to even propose a scoreboard. Other than that, we have just been keeping up with the excitement that has been caused.

I would say that as a former NCI officer last fall, having given an extensive speech to my own people asking them to pay attention to this law that was going to be passed, some of us felt they had not paid all that much attention to it.

I will say, however, as of right now, we certainly have their attention. That is all the remarks I have to make on the task force.

I would like to show you some of the benchmarks before Kirke goes into the legislation.

Congressman STEIGER. I wonder if I might be recognized while Ernie is doing that. I think the Commission ought to know, and the record ought to reflect, the controversy, I guess is the way to express it, that has been raised over the selection of the Commissioners and the staff.

In my view, it was coped with by the Chair with most excellent taste and dispatch. If you have not seen the letter that Senator Abourezk wrote, you ought to see it, because I think you will all agree the words are concise and accurate as to the reflection, I am sure, of all of us.

I would like this record to reflect at least that this member gives his approval of the way that was handled.

I see reason already beginning to intrude itself and I think it is in no small measure. I do not want to imply that success is at hand but it is in no small measure the direct result of the gentleman's action.

I thank you for that.

Chairman ABOUREZK. Thank you

Mr. STEVENS. Kirke is going to go into the legislative part and he will deal with this later. This is just a sketch or an agenda outline of what might be some type of a schedule for some of the activities of the Commission.

Chairman ABOUREZK. Ernie, do you have a copy of that in the book that we can look at?

Mr. STEVENS. Yes, sir; in all of your books.

Chairman ABOUREZK. Which part is it in?

Mr. STEVENS. It is in the flow chart. You have to decide in some form how you explicitly want to do this. This is on the basis of a proposal that we have that would outline a schedule that would start with today's meeting which the Commission staff reviewed and approved a general plan.

That might be subject to some of the Commission members talking about a subcommittee. Possibly you may want to approve a general plan with a subcommittee working on it further. I do not know.

Then, tentatively, a June 9 task force closing date should be taken up when you discuss the task forces and a June 12 Commission meeting.

If it proceeded in this way, we feel that we could start the task forces on July 21. I would like to say at this time, in reviewing the Meriam report, and several other studies in dealing with subject areas like we have here in these nine areas or more, as you see fit, discussions of others, we would rather press our legislative time limits that are constraints to the limits in the front end.

We feel we need adequate planning, organization, and research to start so that we can do the tentative goals and objectives and the specific scope of work and some kind of statement of work to help our task forces be developed before they proceed.

And by legislation—they will have 1 year to finish their work.

For our purposes here: We internally decided to break up the work of the three staff members into three groups. While it says in the legislation that I am supposed to coordinate it, we can delegate it between the three of us as to your direction so that we can double as specialists.

Possibly the Commission may wish to consider a subcommittee approach, I do not know. That is so that our staff members can double as specialists in certain areas.

For that reason, we have the task forces in three different groups and we have called them really A, B, and C. In a rough sort of way, they have to fall in some kind of order like that.

For instance, the treaty and some of the other legal things need to start first because some of the other subject areas need to know something about legislation within their own area and so on.

We also felt that it would be difficult for us to launch these all at once after having some of the early situations we have had, the nightmare of hiring 30 people at once and also preparing them, orientation and all, and also as we get into the time where the Commission will be meeting quarterly.

The legislation calls for quarterly reports by the task forces and then possibly the staff will bring all of these reports together and prepare information to go to the Commission and may have Commission quarterly meetings.

This whole schedule is kind of based on any kind of preliminary assumption but we can adjust it any way that you want.

It is based on this, some of the important benchmarks are in there by legislation. For instance, the task forces must complete their work in 1 year. They have to do that so that is built into that.

Also 6 months after the task forces complete their final report, the Commission must complete their report and that is also part of the legislation.

Six months after that, the staff must cease their activities and terminate. That is the way the schedule is constructed. The way we have it here, it is 5 months.

Then, of course, the legislation expires on June 30, 1977, and the Commission has already said that they do not intend to extend it.

It is important that we get some real planning and set some guidelines. A good part of the schedule as we generally and roughly proposed it will let us finish on time.

The agenda provides for going into more detail but I thought I would give a general look as to how we could approach that and finish it in a timely fashion.

Chairman ABOUREZK. Thank you. Now we would like to have discussion and questions on this aspect of it from any of the Commission members—anything that is not clear to anyone.

Commissioner BRUCE. Mr. Chairman.

Chairman ABOUREZK. Commissioner Bruce.

Commissioner BRUCE. Mr. Chairman, may I ask Ernie a question?

Chairman ABOUREZK. Please go ahead.

Commissioner BRUCE. You said that the task forces must complete their report in 1 year?

Mr. STEVENS. Yes.

Commissioner BRUCE. We are looking at July 21 for the task forces to be onboard and ready to work?

Mr. STEVENS. Yes, sir. That would be what we would call group A, that is: Task Force Nos. One, Four, and Nine.

Chairman ABOUREZK. Which task forces are those, Ernie?

Mr. KICKINGBIRD. Those are the task force responsibility: Tribal jurisdiction and the Indian law revision, quantification, and consolidation.

Mr. STEVENS. According to the legislation, that particular group would have to be done on July 21, 1976. I think Kirke has taken that up in his review and then coincidentally, the Commission would have preliminary work to do their report starting July 24, 1976.

We would then wait for group B and group C.

Congressman STEIGER. Mr. Chairman, as a point of inquiry: Is it necessary for the Commission to confirm this schedule at this point in time?

Chairman ABOUREZK. We do not have to do it today, no. It is up to the Commission.

Congressman STEIGER. For the purpose of discussion, without having any reason to feel it might be too short a time, or too long a time, but in the interest of just getting on with it, unless someone has a reason to believe that this is inappropriate, I think we ought to have a general expression of approval.

I am sure we could debate the reasonableness of it but I suspect, since staff has done this, we will have to live with it and project this.

I, for one, hope that we can approve it and expedite its fulfillment because I think it is very important that we have a timed goal for production and time enough to analyze the production.

Otherwise, we are really going to waste our time. This looks to me as though it is a very reasonable way.

Chairman ABOUREZK. I guess the major thing we have to debate today and probably resolve is exactly how we go about picking the task forces, the members, the questions that must be asked, and so on.

We have discussed in the last few days the concept within the next month prior to June 9. We have discussed that prior to June 9 the Commission should organize a task force on task forces similar to our committee on committees here in the Senate.

It can be made up of Commission members or non-Commission members. We can do it any way the Commission sees fit. It would be the job of that task force for the next month to sit down and determine what questions must be asked, how each area will be looked into, what direction do we go in, who should be on the task force, et cetera.

I will let you throw that out for discussion right now. What is the view of the Commission members?

Congressman STEIGER. Mr. Chairman, in the interest of getting this before us, I would like to move that the Chair appoint a three-member task force on task forces to be comprised of Commissioners, only one of whom may be a Member of the Congress.

Chairman ABOUREZK. Is there any discussion on that motion?

Commissioner WHITECROW. Mr. Chairman.

Chairman ABOUREZK. Commissioner Whitecrow?

Commissioner WHITECROW. I would like to make a few comments with regard to this schedule and the flow chart itself, to the effect that if we proceed today to name the task force members, I feel we would be moving just a little bit too rapidly.

We would not be able to alleviate the storm that would be raised throughout the Nation as a result of this selection today.

I believe this flow chart itself gives us sufficient time to get more people throughout the Nation within tribes and Indian organizations, to give them time to submit nominations for these various task forces.

I would like to second this motion, by Congressman Steiger to appoint a task force on task forces.

Chairman ABOUREZK. Is there further discussion? Ada Deer?

Commissioner DEER. I would like to suggest that we include one or two other members on this task force on task forces group—one or two other people who are not members of this Commission.

I think we need to take advantage of some of the other expertise that is available. I would like to get some discussion on that point also.

Chairman ABOUREZK. All right. There is a motion to amend Congressman Steiger's motion: To add two additional people who are not members of the Commission itself to provide additional input into this task force.

Congressman STEIGER. Rather than specifically, my feeling would be, and I have no strong feeling, rather than make them official members of the task force on task forces. I think the task force on task forces—which is a terrible name—ought to have the authority to include anyone they want with the understanding that it is the spirit of the Commission that they do just that.

I have a deathly fear of committees. The more people you add, the more structure you get, the slower it operates but I agree with you.

I think the task force ought to get some outside people and probably two is a good number. Maybe there are three or four we would want to consult on different members.

I would like to keep it limited as far as the official membership but flexible as far as what they are able to do.

Commissioner DEER. OK, that satisfies me.

Chairman ABOUREZK. Then you withdraw your motion?

Commissioner DEER. I will either make it a motion or a suggestion.

Chairman ABOUREZK. OK. Any further discussion?

Commissioner BORBRIDGE. Mr. Chairman, I would speak in favor of the motion particularly with reference to the time schedule set before us.

I, too, also second the comments with respect to the dispatch and the sensitivity with which the Chairman has responded to concerns expressed about the composition of the membership of the Commission by setting a date later as specified here as June 9 for task force applications.

It puts members of the Commission in the position of being able to elicit the fullest type of input by Native American individuals and organizations who would wish to be in a position to impact or influence or help direct the course of some of these task forces.

Chairman ABOUREZK. Thank you. Commissioner Deal?

Commissioner DEAL. Mr. Chairman, I would raise this question.

On the investigating task forces, looking at No. 8—urban rural, nonreservation, terminated and nonfederally recognized Indians—it seems to me that we have lumped too much into one task force.

With the history showing that very little work has been done on nonfederally recognized Indians, I am thinking at the appropriate time I would like to suggest that a separate list of task forces of nonfederally recognized Indians rather than including the urban, rural, nonreservation, terminated all into one category.

I believe it is too big a topic, where it says Indian health or Indian education. This No. 8, perhaps involves more than No. 6 or No. 5 or Indian education.

I would like to propose at the appropriate time—I want to make sure what I am voting here. Are we just adopting the flow chart?

Congressman STEIGER. If you gentlemen would yield, I think the gentleman's explanation is excellent. I would like to, if I may, Mr. Chairman, have unanimous consent to amend my motion to include the fact that the task force on task forces shall have the authority to modify the existing and dissipated missions subject to the approval of the full Commission in that instance.

Chairman ABOUREZK. Let me ask, before that goes through the Commission: Are these titles established by law firmly so that we cannot change them even by motion or vote of the Commission?

Mr. KICKINGBIRD. Section 4(a) provides that the Commission has to deal with those task forces named in the law—the nine—but it also provides authority for them to create other task forces on subjects they may feel are desirable.

I would think that would also include, for instance, studying some of the existing task forces where the Commission regards that as too much work or too complex to be handled by one task force.

Chairman ABOUREZK. Your opinion is that the Commission can divide this particular one and make an additional task force out of it?

Mr. KICKINGBIRD. Yes, sir.

Chairman ABOUREZK. The amendment is made to his motion to give the task force on task forces the ability to recommend on that particular item.

Congressman MEEDS. Mr. Chairman: Do I understand the motion of the gentleman from Arizona to be that the task force on task forces is advisory only?

Congressman STEIGER. No, if the gentleman will yield, it is my intention that it would be operative with the exception of the motification of the task forces themselves, either by division or addition.

Such actions should be subject to the approval of the Commission specifically.

Congressman MEEDS. That is my point. The gentleman does not contemplate the selections of the task force on task forces would be final but they, in effect, are recommending to the full Commission?

Congressman STEIGER. Yes; the task force on task forces recommendations will be subject to the approval of the full commission.

Chairman ABOUREZK. I think that is provided for in the flow chart of the next meeting that we come back and approve. Let us call it a selection task force.

Congressman STEIGER. Let us do that.

Chairman ABOUREZK. We will come back at the next meeting and approve what the selection task force has done.

Congressman MEEDS. Then on the flow chart, if I may inquire further, it is proposed that we come back on June 9—June 12, pardon me.

Chairman ABOUREZK. June 12: Is that correct, Ernie?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. Is there a meeting on June 12?

Mr. STEVENS. Yes, subject to your schedule.

Chairman ABOUREZK. Please restate your motion then.

Congressman STEIGER. Mr. Chairman, I move that the chair be instructed to name a selection task committee for the purpose of organizing the task forces. Said committee to be made up of three members of the Commission, only one of whom may be a Member of Congress; said committee to have the authority to make recommendations with regard to both the mission and personnel of the various task forces in addition to the review of the task forces themselves with the specific mission of determining if they should be restructured in some way—either divided or combined.

All such actions will be subject to the approval of the Commission.

Congressman MEEDS. I second it, Mr. Chairman.

Chairman ABOUREZK. It has been seconded. Is there any further discussion on the motion?

Congressman MEEDS. Mr. Chairman?

Chairman ABOUREZK. Congressman Meeds.

Congressman MEEDS. By way of legislative history, I do not want anyone to be cast in cement on this, but would it be possible to entreat new members on this task force on task forces to report their findings and circularize those findings and recommendations to Commission members 3 days prior to the meeting of the Commission?

Chairman ABOUREZK. Yes, that is very good. That is an excellent suggestion. I already would advise the Commission staff that every effort should be made 1 week before every meeting to provide all of the material in advance for discussion.

As things move out and the operation is underway, I think we will see that, but I think that is an excellent suggestion and that will be in concrete.

Is there any further discussion?

Commissioner WHITECROW. Mr. Chairman?

Chairman ABOUREZK. Commissioner Whitecrow.

Commissioner WHITECROW. I would like to call your attention to that particular aspect: Task force application on June 9 and the full Commission meeting on June 12.

The selection committee itself would not have time to get that out to all Commission members.

Commissioner ABOUREZK. Yes, in this case, it is going to be a little tough. Shall we move that June 9 date back a few days or is that possible to do?

Mr. STEVENS. We can do that.

Chairman ABOUREZK. What is your recommendation?

Congressman STEIGER. Make it June 5 and it will give you 30 days from today.

Mr. STEVENS. June 5?

Chairman ABOUREZK. Change June 9 to June 5.

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. Is there further discussion?

Commissioner BRUCE. I have a question.

Chairman ABOUREZK. Commissioner Bruce.

Commissioner BRUCE. Ernie: Do you have a system in mind concerning the selection of the task force members? Is it true that you do have maybe 150 applications and so forth? Are these to be interviewed or do you have it planned to leave it to the committee?

Mr. STEVENS. Yes, sir. Later on when you will be discussing the task forces specifically on the tail end of the agenda, we have a proposed procedure or an entire task force way of operations we can amend. Possibly the committee can amend that also. We did work up a plan of operations.

On those applications: There are somewhere, at this point, between 150 to 300. We are right now writing acknowledgments preliminary and telling them that we will be back to them with specifics and applications and procedures.

Many people just put in for a job for anything that was available and others asked for a specific task force and some of them went to Senators and Congressmen, some of them came to our staff.

We are trying to put them in one place. We have a sketch of that which we will give you this afternoon.

Chairman ABOUREZK. All right, we have not voted on this yet. I want to put in a couple of points by way of legislative history on this myself.

I would hope, and I would hope that the other members of the Commission agree, that selection of members of the task forces be done on as professional a basis as possible.

The selection task force should really make an effort to search out the best people they can find.

The second thing is: I would hope the selection task force would be to exhaust the possibility of Indian people before going to non-Indians for selection of task forces as professional staff members, or whatever.

Every effort ought to be made to employ Indian people but they should be of professional qualification in any event. I think we will have more than enough Indian people to fill these slots.

Third, I would like to make a recommendation that the members of this Commission—there are obviously going to be some task forces that will be selected totally outside the Commission—should be ex officio members of the task forces so that we in effect have a right to get our nose into it whenever we feel like we should find out what it is all about.

I do not think we have to vote on that. I think the committee will probably take care of that when they make their recommendations.

If there is no further discussion or questions----

Commissioner BORBRIDGE. I have one comment, Mr. Chairman. With respect to the professional selection: It is quite important because organization-minded as Native Americans are, there will no doubt be endorsements and other types of understandable recommendations brought to bear.

It is important, as you have indicated, that professionalism be the keynote.

One other quick comment is that in recognition of the large number of applications, I would hope that the staff director perhaps might even be able to give us two phases of the applications, perhaps those that are

here now and within the next week or so, so that we are not suddenly inundated.

Chairman ABOUREZK. Yes, that is fine. Thank you. The question is on the motion of Congressman Sam Steiger.

All of those in favor will say aye and those opposed no. The ayes have it. The motion is carried.

Congressman MEEDS. Mr. Chairman.

Chairman ABOUREZK. Congressman Meeds.

Congressman MEEDS. If we could take up something you said which I think is very important—the question of members of this Commission being ex officio members of all task forces. I would ask Counsel: Is it necessary that we make a rule to that effect?

How do we implement that desire?

Mr. KICKINGBIRD. I think the investigating task forces, section 4 has something to say about that. In section 4(b)(1): The law notes that such task forces shall have powers and authority in carrying out their responsibilities as shall be conferred upon them by the Commission.

Therefore, in the process of reporting to the Commission, I would think you have the opportunity to retain full authority and guidance over what they do.

In addition, in that same section further along, 4(b)(2), the director of the Commission is to coordinate the independent efforts of the task force groups so that you will have two methods of reporting. The director's reports and also the reports that are required, the quarterly reports and any problem of communication of coordination through your oversight and responsibilities and your granting of power.

Congressman MEEDS. I would hope that the counsel will look into and advise us next time. I do not think there is any big hurry about it.

If any further action is necessary, either by rulemaking or otherwise to allow all the members of the Commission to be ex officio members.

That is to say, members who will be without vote, needed to be counted for quorum and things like that, just ex officio in the sense that they would be able to attend task force meetings and studies and maybe even ask questions of the task force.

Mr. KICKINGBIRD. For purposes of clarity, it might be important to amend the rules and procedure of the Commission to provide, as you suggested.

Congressman MEEDS. Would counsel then perhaps prepare a suggested amendment for that?

Mr. KICKINGBIRD. Yes, sir.

Chairman ABOUREZK. If it is possible, Kirke, to do it, we could vote on that this afternoon perhaps.

Mr. KICKINGBIRD. All right.

Chairman ABOUREZK. The Chair will appoint the selection task force: Congressman Lloyd Meeds, Commissioner Louis Bruce, and Commissioner Adolph Dial.

Congressman Meeds will be the chairman of that task force. We will expect him to follow the recommendations he made here during this morning's meeting.

Ernie do you want to continue with your presentation?

Mr. STEVENS. I think Kirke should take up the legislative interpretations. One of the things I would like to say is later on, as we deal with the budget, I hope this all works out, with the Commission members working with the task forces, because within the workings of how we

have interpreted the request, it calls for the task forces and the Commission members to be together on a number of occasions, even at task force meetings, not just Commission meetings. That would be very helpful.

Mr. KICKINGBIRD. At tab B, we have a restatement and analysis of the law. What I have attempted to do here is restate the law in a form that is a little easier to read than that which is in the actual text of the act itself.

I have also partially annotated it. There is a table of contents on page I, it should be the first item in the booklet after the agenda.

It should be the first tab after the agenda. It is not in your book?

Congressman MEEDS. Yes, I have it, thank you.

Mr. KICKINGBIRD. Behind the title page is a table of contents and I have headed and subheaded various parts of the act relating to the composition, the organization, vacancies, quorums, powers of the Commission, investigating task forces, the report of the Commission, and selection of Commission staff just so that it would be easier to find those items. In addition to providing what page my restatement is on, each section also makes reference to the original parts of the section of the act in which the rewording of the law can be found.

There are some concerns that will have to be taken care of. For instance, I draw your attention to the fact that the scope of duties mentioned on page 5, there is a listing of seven of those.

It must be reconciled with the task force areas of study and investigation of which there are nine. Some of those match perfectly and some do not.

This is something that may also require the establishment of additional or different task forces or the now named task forces assuming some of the responsibilities.

I believe in an earlier docket, we set out a comparison chart of those items.

Congressman MEEDS. Mr. Chairman.

Chairman ABOUREZK. Congressman Meeds.

Congressman MEEDS. Could we discuss just briefly what appears to me to have some potential danger for this group.

The scope and duty of the Commission, as Counsel just pointed out, and then the task forces, in many instances, these things overlap.

In fact, in most of them, they overlap. Are we going to decide, as a Commission, to carry out our scope of duty through task forces and make sure that everything in the scope and duties is included in a task force?

Are we going to have separate studies by the Commission itself, not through task forces? I would like to get the guidance of the Director and the Counsel both on this.

It appears to me to be a little bit in conflict.

Mr. STEVENS. Sir, one of the initial early drafts of material that we mailed out illustrated this. The declaration of purpose I believe is section 2 and the investigating task force.

There are seven points in the declaration of purpose. Those do not, strictly speaking, coincide with the nine investigating task forces.

For instance, there are two particular points that may or may not be included. One, I believe it is No. 5 in the declaration of purpose, says that the Commission should look at the national representation of Indians and that may, or may not be, for instance, an additional task force

or it may be authorized by the Commission to conduct a separate report, either by the Commission or by Indians—Indian organizations or groups themselves.

I think that is something you could decide later.

Another one is the specifically asking of the Commission to look into the management of the Bureau of Indian Affairs.

That could be done separately. It could be done by the Commission, by the Commission staff, by separate contract, by a combination of using public and private agencies.

It could be done in conjunction with investigating by the task force on Federal administration or any kind of combinations of that.

I think it is something I would recommend to the Commission that they withhold their final decision on that. In general reference to what you were saying, Congressman, I believe the Commission has a considerable amount of study it has to do independently of the task forces.

I believe that you can probably lay that out or make the decisions relating to that as we go along. That is the way I would see it.

Mr. KICKINGBIRD. Section 2, subsection 2, on page 5, is the item that provides for the management study of the Bureau of Indian Affairs.

I might mention also that in both section 2, the scope of duties, and section 4, which provides for the areas of investigation study of the task forces, there is phraseology which says these duties shall include but not be limited to these items.

For example, you may want to create a task force separately on the management study, just as you suggested breaking out certain items on the investigating task forces.

This is one of the reasons that we have also requested more planning time so that we and you can have an opportunity to discuss this further and talk about how you would like to proceed on it.

I do not foresee it as posing any problem except that it is a subject with which we will have to deal. We also mentioned in talking about the report of the Commission that it talks about the Commission compiling reports of the investigating task force and submitting those as a final report along with its independent findings or combining those two into a final report.

This would seem to indicate that certain investigative responsibilities are a part or could be conducted by the core staff itself.

For the most part, I would suggest that the independent work of the Commission would fall more in the nature of following up on some of the work the task force has conducted or clarifying some of the points they have made.

At this time, I just cannot estimate what amount of time the core staff will have once we get into conducting the investigations.

Mr. STEVENS. Mr. Chairman, later on when you are talking specifically about the task forces or any kind of a proposed operation of planning, we will have a chart that shows the interrelationships between the Commission staff and the task forces and the possible consultant task force members.

We even have a proposal we would like you to consider which calls for even a staff person for the task forces. We could do that later.

Other than that, we have a section that is called the functional duties and delegated authorities of the organizational components of the policy review commission.

That breaks down the Commission members, the performance of the responsibilities, the staff, and the task force groups.

One of the things we would like to have at some point later, if you would look at those and possibly approve them in general, subject to a review, in the interim time between now and the next meeting or something like that, but it does bring out those different relationships.

It was based partly on Kirke's interpretation of the law and the way we were visualizing this working.

Commissioner BRUCE. Mr. Chairman, may I ask counsel a question? Kirke, as we go through these areas of responsibility and we talk specifically on the Bureau of Indian Affairs and so forth: Is it flexible enough to allow us to look into the procedures of Federal agencies also?

I was sitting in on the housing hearing yesterday, knowing the housing field also, I sure wanted to make some statements and ask some questions about why maybe some of these agencies are not responding when they told us 3 months ago that they would—like FHA.

Chairman ABOUREZK. We had them up yesterday for a hearing, by the way.

Commissioner BRUCE. I was sitting here when they made their statement and I met with them after the November housing conference in Phoenix.

They said in 3 months they would have an Indian representative in every single State. They did not even know whether they had any Indians on the staff. It was that kind of thing.

I hope that we, as a Commission, are flexible enough to look into this.

Also, I do not know whether I am allowed to say this, I sat in on a meeting the other day in which HEW has moved into an area that I think is very important.

George, I hope it is OK to mention it. It really is an exciting program for the first time setting up a task force in the huge, complicated agency like HEW with an Indian chairman of that task force involving all of the various programs and agencies within that agency.

George is the chairman of this. What I got out of that was a chance to sit down and talk with him or them and look into the possibilities of that kind of thing maybe being used in other agencies in an overall coordinated thing.

We used to think NCIO was going strong too but that is a start there. I hope we are flexible enough to really look into these areas as either the Commission or as a task force.

I guess it is on a task force.

Mr. KICKINGBIRD. The law provides, as part of the powers of the Commission, at section 3(c) on page 9 of the restatement and analysis, for the securing of information from the executive branch.

This law is a joint resolution. It has the same force and effect as law because it is signed by the President. Other types of resolutions, within each House, are more directed to internal matters of the Congress.

This has the same force and effect of law. I might quote from the last part of it.

> The Commission is authorized to secure from the executive branch agency such information as it deems necessary to carry out its functions. When such a provision is contained in a law, it constitutes a directive to executive agencies.
>
> If it were contained in concurrent resolutions, it would only have such force as culminating between the legislative and executive branches could muster.

I think those agencies are required to provide information to the Commission which it should request.

Commissioner BORBRIDGE. Mr. Chairman, the question I would ask would be with respect to the various task forces. The phraseology is very specific, however, there is no question that as one amplifies and incorporates the phraseology, it helps us to determine whether or not a new task force necessarily may be created or whether it falls within the scope of what we might call an interpretation or understanding as to how broad a scope each of the task forces enumerate in the laws.

Could we correctly anticipate, Mr. Stevens, that there would be such an approach made?

Mr. STEVENS. Yes, sir. In reference to any additional task force, I guess that relates to the motion that was passed previously which included Commissioner Dial's remarks also.

There were other suggestions for other task forces. In general, the kind of approach that we would like to take is to develop a specfic scope of work.

I think it could be done through this committee that is being established with the help of the staff, possibly any additional help we may need, develop a specific scope of work for each one at the pleasure of the Commission.

Then, at that time, ask the task force or task force chairman or whatever you choose to call the person who is going to be the lead person, they would then prepare a statement of work on the basis of the scope of work that you have laid out for them.

Then coupled with the progress reports and the ordinary coordination that will take place, be assured of the specifics that you desire.

Mr. KICKINGBIRD. The two main items which you will be concerned with today, as indicated on the agenda, will be the powers of the Commission and the investigating task forces.

I would ask you to bear in mind that the task forces only have such power as the Commission may wish to give them. Later, this afternoon, we will discuss a little further the matter of criteria for selection and so forth.

I think the restatement and analysis are primarily self-explanatory and are basically to provide you with the information for quick reference purposes.

If you have additional questions at this time or later in the day I can try to provide you with specific answers at this time or perhaps later at the next meeting or by written communication between our next meeting.

If there are no further questions, there are two more items that I would like to discuss for the record not relating to powers of the task force.

I would like to clarify my status with respect to the organization that I just left. I was holding two functions. I was serving as official registered agency and had the power to write checks.

We have since selected a new agent and also removed my name from authority for checkwriting so I have divested myself completely from my former organizations.

I think Ernie has completed divestiture with his former organization.

One of the other items is relating to the powers of the Commission. We need to seek an amendment with regard to our powers primarily in the name of an amendment.

We have to do it between penalty mail. It has been suggested by authority of the Postal Service that we may wish to choose an amendment to allow us to use penalty mail privileges.

It really, in the long run, does not make any difference, because in any event, we have to pay for our postage.

Chairman ABOUREZK. Even under penalty mail, the money has to come out of the Commission fund?

Mr. KICKINGBIRD. Yes; that is correct.

Chairman ABOUREZK. Have you looked into this possibility that perhaps the Bureau of Indian Affairs could authorize the Commission to do that and pay for the penalty mail out of their funds?

Mr. KICKINGBIRD. I would like to explore some of the alternatives a little bit further before we reach a conclusive decision on this.

There are some other areas that I would like to explore that I just have not had time to in the short time since we have been here.

Chairman ABOUREZK. I was talking, I did not hear whether you explained it to the members or not. We requested an opinion from the Senate Ethics Committee as to whether my congressional frank could be used.

They said it could not be because of the legal requirements involved. The only recourse we have left is either buying the postage, which we would rather not do, or trying to get BIA to detail that to us if it can be done legally.

We will ask counsel to supply that if he would.

I want to interrupt you while we are on that subject. I want to mention something. I would think when we select the task forces, that to the greatest extent possible that we utilize administration and congressional personnel and facilities to the greatest extent possible, so that we could save that money and not have to expend that out of the Commission funds.

There are people in different branches of the administration, for example, we can have detailed to the task forces who are experts in their fields. That will be up to the selection committee and the full Commission at the proper time.

Our exploration of all of these areas ahead of time, we find that there are people who are willing to come over and work on the Commission staff while still being paid by the administration.

Mr. KICKINGBIRD. The Senate financial clerk advises us that in some instances we would be using executive agency personnel on detail.

We are required to reimburse them pursuant to certain statutes.

Chairman ABOUREZK. But not very much so.

Mr. KICKINGBIRD. We can work that out I think.

Mr. STEVENS. In reference to what Commissioner Bruce was referring to under powers and duties in section 4(b), that relates to the part that the task forces can ask the Commission certain information.

That was not the section I was referring to. We can require—and in terms of saving a good deal of money—the executive departments to provide us with information reports and so on.

I think that can be a considerable savings on money providing that the questions are put into the proper framework, both in and out on either side, however you want to phrase it.

You have to know how to phrase the question in terms of using certain people in the Government. They are expert in terms of laying out the questions and in such a way require the possible backup to the

answers so that you can get what is properly phrased as a straight answer.

Otherwise if you ask for statistical data and you do not know how to ask it, you will always get an answer that you cannot work with.

One of the things I would heartily recommend is that we periodically borrow the expertise of people in Government, some of whom or a great many of them are sympathetic with the efforts of the Commission.

If you phrase the questions properly and require the necessary backup, I think one of the big things this Commission can do is to get some real answers about statistical data and economic and financial matters.

One of the big failings of previous reports that we have looked at is that whoever was doing the investigating or doing the task force or whatever, they inevitably came to some kind of conclusion on the basis of what they heard.

They were not able to prove statistically in any kind of data that what they were saying was true.

Almost all of the things that need to be proven in Indian affairs today can be properly backed by statistical information. In that, we can use people who are already in Government who are very well able to help us.

Chairman ABOUREZK. Ernie, is this a good point to break for lunch?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. OK. We will reconvene at 1:30 today.

[Whereupon, at 12:05 p.m., the meeting recessed to reconvene at 1:30 p.m., this same day.]

AFTERNOON SESSION

Chairman ABOUREZK. The Commission meeting will resume. Before we ask the staff to continue with their report, I have been given language for an amendment with regard to Commission members being ex officio members of task forces.

It goes like this. Each Commission member shall be an ex officio member of all task forces." Does anyone have any objection to that language or any changes to it?

I will entertain a motion then to adopt this as a revision of the rules.

Commissioner WHITECROW. I move, Mr. Chairman.

Chairman ABOUREZK. The motion shall be to add this language to section 1 of the rules of the Commission, as a new subsection 3. Is there a second?

All those in favor will say aye. Those opposed? The ayes have it. The rule change is adopted.

In addition, the staff has some matters that they have asked for approval of by the Commission. Kirke, let me ask you: Does there have to be a motion seconded? Cannot you let me rollcall vote or just ayes and nays or a voice vote?

I do not think it means a rollcall vote unless someone specifically asked for it, does it?

Mr. KICKINGBIRD. It does need a record vote for selection of staff and for the selection of the Indian Commission members.

Chairman ABOUREZK. All right, this can be done on a voice vote unless someone asks for a rollcall. I passed this sheet around earlier today. I think you have all seen it.

I will go over these and ask for a vote to be taken and en bloc unless you want to separate these items. The first item is that we have to approve Rosemary Cornelius to the position of clerical assistant at the annual salary of $12,080.

Second, we have to authorize a temporary appointment of a third clerical assistant, Dennis Carroll, at the salary of $12,080.

Third, we have to authorize the continuation of a number of consultants, Raymond Goetting at the daily rate of $102.9166, according to the Senate rate table, through June 30, 1975, which is the schedule beginning the task force personnel.

At that time, if it is desired that he continue, he will go on that basis. He will go on a different basis after June 30.

Fourth, the Commission has to authorize the staff director to employ temporary office staff, as necessary, to prepare for the hiring and the beginning of the work of the task force members.

Ernie, may I ask about that item, temporary office staff? Are you talking about clerical help?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. Not policymaking help, or any professional staff: Is that correct?

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Mr. STEVENS. In the balloting I was given approval to go forward with hiring another consultant. That is part of the mechanics we have to go through.

We could not get that done. I would like to pick up another consultant. I have been using Ray Goetting as an administrative consultant primarily to work with the budget and to work with the organization.

I need someone to pinch-hit until we name a third person, and there are other special consultant duties. I need to get the task force preparation done. That is a consultant, and you gave me ballot approval.

But my idea was that was up to this meeting. Wasn't that the wording behind it and——

Chairman ABOUREZK. This is Ray Goetting we are talking about?

Mr. STEVENS. No. I am talking about another consultant.

Chairman ABOUREZK. Does it come under item 4?

Mr. STEVENS. Yes. Instead of being office staff.

Chairman ABOUREZK. You are asking authority to hire one additional consultant?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. At what pay rate?

Mr. STEVENS. $99.82.

Chairman ABOUREZK. Per day?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. That would be a professional. Do you have anybody in mind for that?

Mr. STEVENS. Not yet. I don't know what the status of Grace is. Possibly she could, or possibly I have some other people I would like to get.

Chairman ABOUREZK. This is to put together the task force selection?

Mr. STEVENS. Yes, sir. In order to prepare all the task forces there is some research work that has to be done. I need to do some of that.

Chairman ABOUREZK. All right.

Commissioner BRUCE. Mr. Chairman, may I ask a question.

Chairman ABOUREZK. Yes, Commissioner Bruce.

Commissioner BRUCE. I notice in there that Ray is until June 30: Is that right?

Chairman ABOUREZK. Yes. This authorization that we are going to decide on today. We put him on until June 30.

Commissioner BRUCE. Why June 30?

Mr. STEVENS. We felt that when this was done we thought that would be the time that we need to get ready for the task forces. Ray, I think, is interested in applying for a task force position.

Without regard to that I need him for our work. Until that time, June 30, that was why I put that there.

Commissioner BRUCE. He would not go beyond June 30?

Mr. STEVENS. No, it's not that. I would like to have him as long as possible.

Commissioner BRUCE. May I say this, knowing a little bit about what is going on in the office and the help that is needed and so forth, I am all for keeping Ray on as long as he can. Because he does know the whole routine and that sort of thing. He could be very helpful, unless you have somebody else who might have that knowledge.

I think that breaking in somebody brand new might hinder you at that time.

Chairman ABOUREZK. Will you need someone to take care of the payroll, the accounting and bookkeeping, the recordkeeping, and so on, after Ray is scheduled to go?

Mr. STEVENS. Yes. We would probably need some type of person. It is not fundamentally an administrative type of position. We can do that.

There are some special things that need to be done with the same talents. Ray's value is that he is a high level Federal person. he is the kind of person who can prepare those kinds of questions I was talking about. So he has a lot more value than just that.

We would not really need him if it was for only logistical administrative support. We need him for what he knows about Federal administration.

Chairman ABOUREZK. You can put somebody else in that administrative part?

Mr. STEVENS. Yes, who can go into the day-to-day administration of the program.

Chairman ABOUREZK. In other words, you want to keep him on in the administrative part until June 30 at which time he wants to apply for a separate task force assignment, and you will find somebody else to replace him administratively?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. All right. Second, you need additional personnel beyond that, or do you need somebody to replace him? What is this No. 4?

Mr. STEVENS. Let me explain something. When we come to grips with the budget, the reason I put down some specific things is that in the day-to-day administration of the budget if after we approve a certain style of doing these task forces I will be called on to pick up special consultants on a day-to-day basis.

At that time, I would like very much if the Commission will let me do that. Otherwise, it becomes extremely difficult for me to operate. And what I was doing is only until such time as we approved the task forces, they are launched, and all that.

I would like to operate with a very minimum and then after we get started I am recommending to the Commission that they allow me to hire consultants as long as they conform to the restraints of the rules and procedures and budget.

These are without regard to the specific positions that the commissioners themselves named, like the task forces. I have to do some things sometimes, and I am just going to have to get somebody.

We have wording in the proposed procedures where subject to the approval of the Chairman I can pick up certain consultants. In the meantime—I am just clarifying this—I need two people to do a number of things.

That is why I want Ray Goetting and somebody else.

Chairman ABOUREZK. Are you saying that you want to do that subject only to the approval of the Chairman?

Mr. STEVENS. I am talking about after we get started.

Chairman ABOUREZK. We are talking about No. 4 though?

Mr. STEVENS. Yes. On this particular one I am just talking about one person I need.

Chairman ABOUREZK. Let's do that first and then go to the other later.

Mr. STEVENS. All right.

Chairman ABOUREZK. Are we clear on No. 4 now? I am not sure that I am. He needs one person at $99.82 per day to help with just getting ready for the task force selection.

Commissioner WHITECROW. You mean he is not asking for blanket authority to hire consultants at his discretion?

Chairman ABOUREZK. He wants to, but not under this. He wants to do that later.

Mr. STEVENS. I want to. But I don't want to until we have approved some specific procedure for that.

Commissioner WHITECROW. You just want this on a day-to-day basis as it might arise?

Mr. STEVENS. Yes. I want Ray Goetting and one other. We would like to get one other person, not just to prepare the task force but for research and a number of other things until such time as we can get a specific plan approved and authorized.

Mr. KICKINGBIRD. Ernie, did you mention clerical?

Mr. STEVENS. We have those three. Dennis Carroll is potentially approved. Rosemary will give us the three clerical.

Chairman ABOUREZK. You think you will need authority to hire one or two more as the work gets heavier?

Mr. STEVENS. We will probably need that, sir, when the task forces start getting underway, but right now I don't think we do.

Chairman ABOUREZK. All right. Fifth, the staff is asking that we give them authority to conduct day-to-day operations such as: Ordering supplies, telephone service, purchases of equipment, approved travel, task force support staff performance—what does that mean? I don't understand that.

Mr. STEVENS. I don't think we need that right now.

Chairman ABOUREZK. Consultant contracts: What does that mean?

Mr. STEVENS. That either

Chairman ABOUREZK. OK. You want to wait for the task forces for that.

Mr. STEVENS. I want to wait until we get approved somehow the specific plan of operation—how to proceed.

Chairman ABOUREZK. OK. So under item No. 5, you are asking just for the ability to set up the office without coming to the Commission for approval each time?

Mr. STEVENS. Yes, sir.

Commissioner WHITECROW. Mr. Chairman.

Chairman ABOUREZK. Yes.

Commissioner WHITECROW. We discussed this yesterday, Ernie, before you arrived with regard to travel for Commission members. We went into it quite clearly with this. Mr. Goetting met with Commissioner Borbridge, Commissioner Bruce, Commissioner Dial, and myself.

We were discussing this with regard to travel. Commissioners will be required to attend meetings in their own areas. As one example, when certain tribes may call and ask for a Commission member to come and make a presentation to them in regard to the activities of the Commission.

I am wondering if this specific travel is requested in this proposal here. Does this cover this or not?

In other words, as I understand it any time any of the Commission members are required to make any type of trip in this regard, as the

law currently reads, the Chairman of the Commission would grant this authority.

What I am saying here is are we taking authority away from the Chairman here and placing it in your hands? Or what?

Mr. STEVENS. The wording applies to the Chairman. We can work out the rest in day-to-day operations. We have to sign certain vouchers and those kinds of things. But the Chairman is the one who approves it.

Then we have kind of a discussion on that. We can get that in a number of ways I suppose.

Chairman ABOUREZK. This request under No. 5 then is not for you to approve travel, it is for you to go ahead with travel payment and payment of travel that has already been approved?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. This is more of an administrative thing than a policy thing?

Mr. STEVENS. Yes. It is not asking for our approval to extend travel. I don't want to let anybody travel unless I check with the Chairman now until we get something specific on how things are going to work. I don't have the need.

We have the need to stay mostly here. I don't want to approve the Commission's travel, it would not be right. The Chairman needs to do that.

Commissioner DIAL. That is correct, Mr. Chairman. I believe the Chairman should take on this. This need not be left up to the staff director. I think he should inform the Chairman of the budget and so forth. But we should decide what to do and what we can't do.

Chairman ABOUREZK. I agree. I understood it at the outset to be merely administrative. I had not thought about the question that Jake brought up until he brought it up. So I am glad it was clarified. I am sure that is what Ernie meant with regard to our travel as Commission members. We probably are going to get a lot of requests from individual tribes as Jake said.

I think we ought to—I hate to use the word "conservative"—but I think we ought to be conservative in how we respond to those requests because we are going to get an awful lot of them.

We could eat up our entire budget just on travel alone. For example, Jake brought up something that will come through. The tribes are going to be calling. Like the Oklahoma tribes are going to call on him and say come on over to such-and-such and tell us what you are doing and so on.

I know other members have had the same thing happen to them. Incidentally, there is some new information on that takeover.

Last night there were two stores held up in Wagner, S. Dak., and guns and ammunition were stolen or taken. There has been a great deal of shooting. There are roadblocks set up. The FBI is there but they are not going to move in until they get orders from the Justice Department. There are different people involved in the takeover this time of that same plant than there were a couple of months ago, when the same plant was taken over. It is apparently pretty violent this time.

I am sorry to bring that up. But with regard to requests from tribes I think, for example, at this national meeting in Denver that is going to deal specifically with the Indian Policy Review Commission, the assistance that we are requesting from the tribes I think that does perhaps justify travel approval.

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But if each tribe in South Dakota were to ask me to come out there at different times and explain what the Commission is doing it would—what I would probably tell the tribes is why don't you get all your people together and I will make one trip out, and I will do it once this year. I will give you another report 8 months from now or something like that. I am just suggesting that so that we can meet our budget.

It is up to the Commission itself. You people have to vote on this. I am just making a suggestion as to how we might best spend the money we have avilable.

Commissioner BRUCE. Mr. Chairman?

Chairman ABOUREZK. Commissioner Bruce.

Commissioner BRUCE. I know there is a request for some to go to NCI: Is that right?

Chairman ABOUREZK. Yes, Commissioner Bruce. Also, Ernie is staking out a luncheon at the Economic Development Administration conference in El Paso. Are you going to do both?

Mr. STEVENS. That is——

Commissioner BRUCE. I would like to see you do that because there is supposed to be 200 tribes represented there.

Mr. STEVENS. Let me explain that. I told the Senator about it before, and he has given me permission to travel. It is one of those things I have to do. I figure that I can go ahead and do that.

I was asked by EDA to be a speaker at their dinner and to talk about reservation development.

Chairman ABOUREZK. But EDA is paying for that trip.

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. Is there any other discussion on this? OK. Are there any requests on the part of any Commissioner to break off any of these and put them on separately? If not, they will be considered en bloc.

So I will entertain a motion to approve these items here.

Commissioner DEER. I so move.

Chairman ABOUREZK. Is there a second?

Commissioner. WHITECROW. I second it.

Chairman ABOUREZK. It is seconded by Mr. Whitecrow. The question is on a motion to approve these requests. All those in favor say aye?

All those opposed no.

The ayes have it. The motion is agreed to.

Now, Ernie, do you have some more things that you want to bring up?

Mr. STEVENS. I would like to, if we could, bring up two things. One of them has to do with the style of how we operate the task forces. What follows next is the budget.

Chairman ABOUREZK. What is there with how we operate the task forces? Do you want a discussion on that?

Mr. STEVENS. Yes, sir. I just wanted to talk about one way that might be done, and then there are other ways that have been discussed. Then we have to nail down the budget properly.

Incidentally, you have a letter, I believe, or a note. The Senator asked me to proceed with the budget. For one reason or another we could not complete it. In the meantime the House closed out. We are now in the Senate and they are asking us to have hearings the end of next week.

I think we have a budget that will accommodate the Commission, but in order to really nail the budget down we would like to have some kind of a little better idea about how the Commission would like to operate some of these things.

I have an idea about it, and I would like to consider it. We will do it anyway you want to. The budget can be adjusted accordingly.

Chairman ABOUREZK. Could you be a little bit more specific in what kind of guidance you are seeking from the Commission?

Are you asking how many staff members should be put on these task forces, or how many hearings, or how much travel, or what?

Mr. STEVENS. I think I could illustrate it best if I showed you what one of the approaches would be. If I could just do that, then I think it would become evident. Do you want to hold that one thing up there, Kirke?

Commissioner WHITECROW. Mr. Chairman, if I may, before we enter into this, I would like to call your attention to the letter I received from Mr. Kickingbird having to do with the adoption rules and procedures.

I was wondering if these rules and procedures should be taken into discussion by the Commission now, before we get into the budget.

Chairman ABOUREZK. I am glad you brought that up. They were tentatively adopted at our first meeting. Now they have to be finally adopted. If the Commission is ready to finally adopt these we would be happy to do this now.

I wonder if the congressional members have staffs here. Do you members have any changes, corrections, or additions to the rules?

Mr. DUCHENEAUX. I think we could have the rules adopted before we get into the business of the Commission. As far as they are now they are satisfactory with us.

Chairman ABOUREZK. Max.

Mr. RICHTMAN. No objections.

Chairman ABOUREZK. Dorothy.

Now of the members that are present here do you have any recommendations for the changes to the rules?

Commissioner BRUCE. I don't.

Chairman ABOUREZK. I think that Frank said we are going to find areas where we are going to have to change them as things work out.

We will entertain a motion now to adopt the rules formally as they are stated.

Commissioner BRUCE. I move they be accepted.

Chairman ABOUREZK. Moved by Commissioner Bruce.

Commissioner DEER. I second it.

Chairman ABOUREZK. Seconded by Commissioner Deer. There are questions on the motion. All those in favor will say aye? Those opposed no? The ayes have it.

The rules are adopted as stated.[1]

If the staff will give the reporter a copy of the rules I think it is important they be included in the record. Then a final set of the rules will be distributed to all the Commission members. They will be mailed to them before the next meeting.

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[1] The rules appear on p. 3.

Go ahead. You were going to tell us what kind of guidance you wanted from the Commission on operation of the task force.

Mr. STEVENS. We have had a number of discussions with Senator Abourezk, Congressman Meeds, in the last few weeks. Early on we talked a little bit with Frank Ducheneaux and recently with Sherwin. Sherwin and Frank early on in putting this together.

Also, when we first started Frank gave me a budget that they had done and said that was not really set. So what we did first, you have some options, we looked at it from different ways of handling these.

Since the announcement of these task forces there have been a number of ways that we have looked at how we could accomplish this.

One of them is 3 task force people full time, 9 task forces, 27 people working full time. That is one way. Another way is to take three people that might be available and use a mixed bag of task force or core staff support. Or possibly even staff members.

And another way is to use some kind of a mix. What I mean is this. Some of the people who have been asked to apply by Congressmen, Senators, staff people, and all have not agreed to go along and apply because they are already deeply involved in their own tribe's affairs.

One of the people I bring to mind is Wendell George from Colorado who is a reservation development person, a planner, a businessman. He is really a frontline person, but he cannot come up here.

So we talked about possibly using a task force in which we could utilize people on a part-time basis. In other words would the Pueblo Tribe let him work for us 2 or 3 or 4 months out of the year for what it would mean to them and to us. So we started talking about that.

Then there were other remarks. Some Congressmen and Senators, a good part of the Commissioners are very much concerned about the quality of our reports.

Chairman ABOUREZK. You mean the literary quality?

Mr. STEVENS. Yes. Partly that. And so now we came up by Ray getting Chuck, and talking with Sherwin, and the other night Mel came over and we put together some kind of a model of how this could be done.

The budget had already been done, but this would fit into the constraints of the regular budget. We were hung up on words, so I was trying to figure out different kinds of help we needed for these task forces.

We thought we needed technical people, and for technicians we decided we were going to use the word technicians and statistical analysts, programing budget analysts. People who are technical in the scope of the work.

We called specialists people who are, for instance, economists, and also people who are in subject areas of health and education who are considered to be experts in these fields.

Then the other element that became apparent to a number of people, and this is a thing that the Commission will have to come to grips with, and in our own analysis of how previous attempts have been made we find people who might be selected based on their intimate knowledge of Indian problem areas.

These people would cross boundaries, and these charts that you have name some of those jobs here. These are people who are expert in their own fields. We are talking about tribal planners, and business managers. Many times, councilmen, who are not just tribal councilmen, but who

are also people who are professionals, or specializing teachers, or principals.

If the Commission wanted to they could operate in effect with a part time. Our budget right now accommodates, not the full time, but three task force members on an average of 6 person-months. And that could mean one person working full time 2 months or a thing like that.

But it averages out to 6 person-months each or 18 in total.

Chairman ABOUREZK. You mean for each task force?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. May I just stop you there, Ernie? What, if you figured it on that basis, what would the cost be for each task force for those three paid members?

Mr. STEVENS. These are prorated at an average of $26,000. That would be approximately 39, actually $37,500 that would be for the task force alone.

Chairman ABOUREZK. You mean $37,500 for each task force?

Mr. STEVENS. Yes. $37,500 for the three task force members.

Chairman ABOUREZK. For the entire period?

Mr. STEVENS. Yes, sir.

Senator ABOUREZK. $37,500 times how many task forces we set up?

Mr. STEVENS. The total amount would be $375,000.

Chairman ABOUREZK. You are figuring 10 task forces?

Mr. STEVENS. Yes. That is figuring an unknown task force should you decide to pick a 10th task force.

Chairman ABOUREZK. Has there been any consideration in making up this budget of a variation on the number of people you would have? You might have one task force that is not complex, and another one might be. So you have one member on a simple straightforward issue. One paid member, and maybe five paid members on a different one that is very complex.

Is that taken into consideration when you do this?

Mr. STEVENS. Yes, they will be averaged out.

Chairman ABOUREZK. You have averaged these out?

Mr. STEVENS. Yes. They could be less. In other words, when we decide to lay out the scope of work, and we decide the parameters of the work that is involved you will know what kind of complexity you have.

And then what we could do as a part of setting up the task forces is to put together a budget. We averaged it out at about that. It could be as you say. There could be two task force people 1 month each, and another one, three, or four members on one of them.

Chairman ABOUREZK. I know for example that we are going to be able to get some of these specialists at no charge as I discussed earlier this morning.

For example, I talked to the chairman of the Navajo Tribe, Peter MacDonald, who is a highly competent person. Peter is a graduate in aeronautical engineering, I think. Is that right?

Mr. KICKINGBIRD. Electrical.

Chairman ABOUREZK. He is a good administrator. His long suit is reservation development. That is really his specialty. I talked to Peter since the Commission has been formed and he is willing to head up a task force without any compensation of any kind. He just wants to do it because he knows that area and he wants to promote the report that this Commission will come out with.

We are going to find a great many people like that, I think. Who would be willing to come in without compensation. Who are being paid by some other entity. There are people in the administration, Indian people in the Labor Department, in the Bureau of Indian Affairs, people who want to come and help out.

I think we are going to get some high-quality Indian people to come in on that basis.

Mr. STEVENS. The other part that we added for you to think about, and we can strike this, we just added it at the last minute. This is something we added to the budget the other day.

We are going to take it off if you don't want to do it because it adds a different element to it. It isn't just the task force people. What I am trying to point out about the different types of people that are needed, first of all, there are people who are subjective in nature, who specialize in a certain field. That is what I meant by tribal businessmen, tribal planners, and so on.

They are specialists. A good part of them are employed full time in that. And they are, I would say, expert in Indian affairs.

Another kind is what I call core specialists. And what I would like to see, we have this in here, if it can be approved. Those are statistical types of people. Those are the kinds of people it would be a waste of money to employ, possibly on a full-time basis or possibly have one statistical analyst, for instance.

I could use a statistical analyst and a program and budget analyst full time, all year around and work for all those task forces.

If the task force needs to do analytical, and program, and budget work, it would be a waste of their talents to let them—to require them—to go through all that maze when they could just go and check with the core staff and say, "Look, I want you to look into this and this and this." In relation to health of Indians in Northeastern United States or something like that.

Then the other people are deep specialists: They are hydrologists, or they are ag economists, or they are in a particular area of industry. Dr. Deal knows that.

But there are specific areas that are in history itself where you may need somebody for 30 days to do something about a particular matter.

The other thing is that if you wish we can put a task force specialist—what we call a task force specialist is a task force employee who will work full time for the task force.

Chairman ABOUREZK. You mean for all of them?

Mr. STEVENS. No. For each one. There will be a person in the area of health, a person in another area, and so on. That person could work full time. He does not have to be a task force member.

We talked with Mr. Ridgely and others. We talked with Kirke and we can do that if we want to.

If you wanted to operate with three task force members on some kind of a—as you say, one would be working for nothing, another would be working for 1 month, another would be working full time.

We could get the task force styled, or budgeted, or however they want to do it into an approval basis. In other words, when their scope of work is defined, what I would call tentative goals and objectives and then a scope of work that this Committee and staff would prepare a scope of work and then let them supply a budget.

On that basis the Commission could approve it. But you can give them a lot of help in that regard.

That particular chart I have there is not the way it should be done. But if I had a choice personally that is the way I would like to work it, and our budget will acommodate that.

You see, the tip is the Commission, and actually those arrows should go both ways. That is a flow of information down. The Director serves as the support mechanism and the coordinating mechanism, not a director mechanism I don't believe.

I think the staff director serves as a person who transmits information up and down, but does not preclude the Commissioners serving in the capacity that you were pointing out this morning.

We provided in the budget for core technicians and core specialists who could be brought in on a temporary or short-term notice to do specific different kinds of jobs.

Mr. Kane in the Senate called me yesterday. He does not have any problem with it. But he asked us to split the budget. That is just one style.

The particular budget that we have will accommodate many styles. We originally proposed 4 months, 4 person-months for the task force members, but Congressman Meeds asked us to increase it to 6. So we increased it to 6 man-months per person. That is just for task force members, but you can use core staff people. In other words, select, and that is what we're talking about—technicians.

We are talking about technical writers. I think you may want to use a person periodically who does nothing but technical writing and editing so that later on when you talk a little bit about Dorothy McNickel and Dr. Dial, I think he may have some other ideas of how we can do this.

But that is a specific, that is the kind of person who is going to have to give it an editorial consistency, if that is what you want.

Chairman ABOUREZK. That was my concern earlier as we talked, that while 9 or 10 different task forces were going to be producing each of them a report, that when all of those reports were compiled the total report would have a literary consistency. That is not only readable but consistent.

It was my suggestion that we have at least one person by the time these reports start coming in who can start rewriting.

Let me ask what the Commission members think of that particular concept.

Mr. DIAL. Mr. Chairman, I would like to say that I agree with what Ernie said in the latter part of his statement. But someone will have to edit the entire report, every single page that goes into the report. If not, it is going to read rather choppy and a whole lot of things. This I know we will have to do in the end by someone who can do a real professional job.

Mr. STEVENS. We have read the Meriam Report. I have heard a lot about the Meriam Report. If you read the thing it is about that thick.

In the Meriam Report, they started out in subject areas they could not mesh the reports as they went along. You can't because everybody is doing something different and it is hard to cross. But we can cross.

We can put a matrix together so we literally know exactly. We break down the elements of each task force in such a way that we know

when the various task forces should cross. And there are certain technical people who really know how to do that.

You can bring those people aboard to make sure you get started. One of the lessons of some of these reports is once you start out in a subject area it is very difficult to cross with each other as you go along.

But if it is well planned and laid out in the beginning you can do that on the way up. It is better consistency, and there is a consistency lap between these task forces.

Another thing is these task forces can exchange information as they go, like a reservation development. There is a lot of information you have to have and specific laws that relate to development.

It would be a shame if these task forces spent all of their time doing certain legal kinds of work. When you have task forces they should be launched first to do the beginning so they can pull in information from them.

That is why I like the mix of technical people. In the kind of mixed bags of remarks that we got from a number of people, we got various extremes.

We got some people who said no, we want three full-time people and we don't want anybody else and that is it. And people did say that.

Other people said well we have to have some people that we really need to work different kinds of things. I think the way you can deal with this is to have each budget approved and give the budget the kind of range that you need.

There it calls for a task force specialist. We put that in the budget. I would like to strike that from the budget, if the Commission doesn't really want to do that.

Chairman ABOUREZK. Strike which part?

Mr. STEVENS. There is a task force specialist.

Chairman ABOUREZK. He would be an anchorman for each task force?

Mr. STEVENS. Yes. He is not a task force member. He works for the three members full time. He and the chairman of the task force would prepare the preliminary work along with the Commission, and the Commission's committee.

It is a fundamental thing. You would have to decide what you want to do.

Chairman ABOUREZK. Ernie, if you would not mind giving us an example, take one task force, one issue, and give us a dry run of how you conceive of that under this program so that we can get a better idea of what you are talking about

Pick an area so that we can see.

Mr. STEVENS. Let me pick the one I'm familair with—reservation development. I know the people in the field. That is my chosen field. I would like to talk about names, just in terms, it is people we know, some of us, I know right here. And I have talked about Wendell George. I consider him, if they pick the 10 best people in development in the country he is going to be one of them.

I am talking about Indian people. Wendell is a businessman and planner and in the field of economic development I think he is one of the best. So, let's sa —and I'm not recommending him—this is an example, because I don't think he is available. But that would be one.

Another you may have, as the Chairman says, is a person like Peter MacDonald, or it may be the business manager from Warm Springs.

Ken Smith was one of the best business manager's of the Warm Springs Tribe. If they would let him work with us 3 or 4 months out of the year, then, maybe it is Ken Smith.

But say that Ken Smith and George could only work 2 or 3 months of the year that is 3 man-months apiece. Let's say another one worked 9 months. That comes out roughly to about 15 months, or something like that, total.

We basically have three kinds of people who have one thing in common. They are people who know, and those are tribal people who work out there, and who are specialists in their field. Who do work in economic development and who do know reservation planning, business management, and all of that.

So they might be the three-man task force. Then there is a fellow that we just located the other day. I can't even remember his name. The one thing I can remember important are his credentials. he just finished doing a book. He is a Ph. D. in economics. He works at the University of Washington, I believe. His Ph. D. thesis is what the Flathead Reservation might have done if they had gone through a certain kind of reservation, to go out in style.

So I think a person like that, we could ask him to come and work for us for 13 months and what he would do he would work for the task force, the specific three-man task force.

People can relate to names. If you are talking about Peter MacDonald, or Ken Smith, or Wendell George, or Bob Mclaughlin or Willy Colegrove, or Wayne Ducheneaux, or any combination like that would be the three-man task force.

Then for people who want to have full-time credentials, we take a specialist. What was his name? Ron Trosper. He is a cousin of Ernie's. We found that out by accident. I have known they were related, but that person might do that.

Then in the meantime you need some technical things: Where you want to break down economic elements, or you want to do a statistical study on what you are working on. These are areas in which people would be working.

And Trosper, even if he is an economist, even if he is a Ph. D., he may need the assistance of a hydrologist. We can get Bill Veeder out of the Government to do a special study.

On the other hand, we may need an agronomist. This is the kind of thing I am talking about. This type of activity with core technicians and core specialists can be operated with the directions of the Commission or subcommittees of the Commission, through the Director, and this type of interchange takes place.

Actually these arrows here, and here, are a regular interchange. That is a specific example of how I think something like this could work. That is what I like best. You can eliminate this completely and say: No, we don't want to do it this way." You can eliminate this and say we want more people here and we can still adjust the budget to accommodate that. We could have a situation where we had more core technicians than we needed. But I know we are going to have to have a statistical analyst, and a program and budget analyst.

Sometimes you need that person all the time. That person would be working for all 9, 10, 11 or 12 task forces. Providing them with data as they order it from the Federal Government.

Here, or Albuquerque, are the best places to get statistical information. So I know we could use one of those people full time, and he could work for all of the task forces. They would order up materials from him.

Chairman ABOUREZK. Would there be a problem if you had one statistical guy? For example, he could be overloaded at times and doing nothing other times.

Would there be also a problem of say two task forces? Saying that each ordered some separate kinds of statistics and they are held up because they have only got this one guy.

In other words, should we maybe think about not relying upon somebody in the core, but rather than do that go to the Government agencies for statistics which is where he will go anyhow?

I am just throwing that out.

Mr. STEVENS. I think you can do it with both. but if you go to the Government agencies, I'm certain that I know how to do some of this. But you are still going to have to have an interpreter also, so that you can send the questions.

One of the other things you could do is to commandeer a person out of the Government. Bob Livingston is one person that I have a lot of confidence in. He works in the Interior Department.

He gets loved and unloved over there. He is currently unloved. He is a Northern Cheyenne. He is one of the best technical people I know. He is the father, if not the mother, of the Indian movement there. He is a person who could do something.

You could commandeer him, but you would have to pay his rate. We could do that. But you could do it with both.

Or the other thing you could do, you could hold this open and not hire a full-time statistical analyst and program and budget person and hire him only when you need him.

But you could handle this with scheduling as the task forees come out. And if you have this well organized you could tell them when they could have their information. You could tell when you could give it back to them and scheduling is the answer to that.

Also, you have common statistics that they may all need.

Chairman ABOUREZK. One other question I have, Ernie, on the four task force specialists—that small circle.

It would seem that that guy could probably handle more than one task force, or would he be awfully busy handling one task force?

What I'm saying is if you get the guy perhaps he could do two or three. Then you would only need 4 of those guys instead of 12.

Mr. STEVENS. It could be. The only one that I think, maybe you could find someone like in health and education. Kirke, would know more about legal, but it seems to me, I don't know if you could.

They may need all of the legal prople thay could get.

Chairman ABOUREZK. What would he do as a task force specialist?

Mr. STEVENS. He would primarily work for these three people.

Someone mentioned having a chairman, you can call it a chairman or a leader. Let us say there was a task force chairman and two other members, he would in effect work for them.

The way this works, the flow of things, he is not over here. He works for the three-member task force. This is the kind of relationship he has.

Chairman ABOUREZK. What is the specific job? What would he do?

Mr. STEVENS. Put the report together on a day-to-day basis.

Chairman ABOUREZK. He would act as anchorman. They would come back to him for continuity.

Mr. STEVENS. Yes. And if the Commission would choose to go to a lot of their reservation people you are going to get into geographical kinds of problems.

Somebody is going to have to be here to make sure that the work progresses properly. It would be kind of a shaky proposition, to make some kind of commitment to take part or all of these people out there.

I think that is a good idea. I think you are going to get into a situation where you are going to have to have somebody who can serve as an anchorman as you say.

Chairman ABOUREZK. All right. If you had that person he would be more of a core staff specialist?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. But assigned to no one task force?

Mr. STEVENS. Yes, sir. Under their supervision—not staff. He would be working under the supervision of the Chairman and these members of the task force.

Chairman ABOUREZK. In that case you would not need a core staff specialist to be task force director for all the task forces?

Mr. STEVENS. No. We originally talked about hiring somebody, or letting some of the staff people work as a task force coordinator and the legislation kind of took care of us in a lot of ways.

The legislation says,

> The Commission shall require each task force to provide frequent quarterly reports to the Congress, and at the discretion of the Commission an oral presentation of such report. In order to insure the correlation of data in the final report and recommendations to the Commission, the Director of the Commission shall coordinate the independent efforts of the task force groups.

We finally developed it on that basis to insure the independence. That you put the person behind here so he is not being directed from over here, but yet the coordination is possible on this basis in that the other thing that we did is divided it up entirely for our own purposes, our own staff.

Kirke is primarily in the legal. I am interested in Federal administration, reservation development, and tribal government.

The third person is interested in education, health, and welfare. It just is an inclination to what subjects we like.

I like the off-reservation urban one also. But I like the in-tribal government. That is how we said we would do that within our group.

Chairman ABOUREZK. OK. Do any of the Commission members have any questions or comments?

Commissioner WHITECROW. Mr. Chairman.

Chairman ABOUREZK. Commissioner Whitecrow.

Commissioner WHITECROW. Taking a look at your concept operation here I would like to ask you this question with regard to the concept of the three-member task force. Your presentation with regard to bringing one or two members in for a short period of time and making maybe one of them maybe 4 months and another one 4 months as an example and then having your task force specialists there working for the three-member task force.

Is it your impression here that this particular individual will provide a continuity of effort insofar as that particular task force is concerned?

And the second question I would like to ask is how this task force specialist fits into the various three groupings of task forces such as A, B, and C on the project flow chart?

And can you foresee the use of the task force specialist, say, as an example, functioning in this capacity for all of group A task forces and thereby having three supervisors or three task force supervisors?

I can foresee some problems in this area, if we don't set this thing up right to begin with. I think you have done a real fine job of presenting this attack plan. I think we definitely need a core of technicians. By all means, we are going to have to have specialists available for each area of study.

If we should break this down into, say, three task force groupings and have specific dates established for their completion of study then when we get to the final report I think if we have one task force specialist working for three task forces in group A that is going to put a tremendous workload on him to come up with a final report at the end of the year if he has three task force groupings to correlate.

Mr. STEVENS. I think if you want to, and if it is possible we have room for this, a full-time person could even start to do some of the setup work on a 14-month basis.

You could have a person who could actually work for 14 months, who is not a task force member, but who is a specialist under their supervision and work for each one of those task forces.

Or, you could take the other approach, too, if you want.

Chairman ABOUREZK. Commissioner Dial?

Commissioner DIAL. It seems to me that from the very beginning you would need this person regardless of the advantage of it who is going to compile this information and put it in its final form, who is going to edit all this material.

We need this person from the very moment that this material begins to come in. This way he could serve a useful purpose by saying this needs to be done this way. He would know something about the format that he intends to use on the entire study and make certain requests along the way where otherwise at the end you just have people dumping a lot into someone's lap and saying here put it together.

Then when you do it in degrees like some other Government papers or something, we would like for this to be a little better report.

I am saying that this person, we will use McNickel as a name, that he would work from the beginning and keep this thing going and organize in the entire period of the Commission.

I believe that will be necessary unless you fellows are going to do it yourselves. Am I coming through to you?

Mr. STEVENS. Yes, sir.

We could back this person up in a lot of areas. Like in some of the legal areas Kirke can double up and help him on this, and we can get other prople in possibly other areas who could provide some help where needed.

Chairman ABOUREZK. Commissioner Dial has stressed something that I'm glad he did stress. That is the way the report is to be written. To me that is extremely important. I'm glad you picked up on that.

We will rely on Ernie to go out and do the searching on a lot of this. If you've ever talked to any of these correspondents for Time and Newsweek over on the Hill, they are constantly complaining about

every story they write on any issue. They never recognize it once it goes to New York for writing.

But you notice that every story that is written in Time magazine as it comes out on a Monday, each story style is exactly identical. So you can't tell who wrote the story by the literary style. It is like a garbage disposal up there. They just chew it up and it comes out the same way each time.

I honestly think that that is what we are probably going to have to look for. Somebody who can do that kind of editing and writing or rewriting for consistency. We might just think about trying to borrow somebody from one of those news magazines for a year or two.

Mr. GOETTING. I would like to add here, Ernie, during the operation of the task force there are quarterly reports that are to be issued for coordination and given to the Commission for review and their comments added.

It goes back to the task force so the input from the Commission, if the task force appears to be overlooking an element, they do have an influence in it as it progresses through the entire stage for the year. So that there is a need for a technical writing and preparation and the outline of the report even in the beginning stages. So that the technical assistance needs to start early depending on the quality of the task force people themselves. Such people as Ernie described.

If you have three real good men, but they are not available full time to you, or whether they are available full time but may not quite have the writing technique you would like, that kind of coordination is to be drawn from the core staff with the staff specialist.

It might depend, in a large measure, on what the task force is composed of. And if you support that with an adequate staff it is fluctuating to whatever extent the task force is.

Chairman ABOUREZK. Commissioner Deer.

Commissioner DEER. Addressing the composition of the task force: I think it is essential that you have the staff people—having served on several of these groups myself—I think it is important with the charge that we have that this whole effort be developed with a great deal of consistency. I would find it very helpful, for example, if I were serving on a task force to know that there was somebody here in this office that I could get technical information from in an overall direction or whatever.

I don't feel comfortable, when we were talking earlier and I may have misunderstood you, about bringing someone in for 2 months, 3 months, or whatever. I think that the task force responsibilities are so important that we have to get a large amount of time and effort on the part of the staff devoted to it.

Now getting back to the other question of the report: I think we do need to have some more discussion among ourselves on this. I don't want this to be another dry government report.

One of the reasons we were able to get so much support in our effort was because we have our book written in English that people could understand. I realize this is a congressional Commission but I don't see why we can't have thought devoted right now, in our beginning work, to employing some person who can sit in with task forces as we start, and perhaps some of the meetings that will be held across the country and get the full flavor of this.

Commissioner WHITECROW. Mr. Chairman.

Chairman ABOUREZK. Commissioner Whitecrow.

Commissioner WHITECROW. I would like to put a little dressing on the turkey here, so to speak, as far as Commissioner Deer's comments are concerned.

I am in complete concurrence with her. I realize that this is a congressional study and many, many times you find in these types of reports they have so much legal jargon in them it is almost impossible to understand out in the field; to read it, comprehend it, and understand.

I would hope that through the process of compiling these reports that our task force and our staff would keep on a simple, firm, one word in mind. I use this particular word in many, many days of operation in developing structures and organizations and working toward an objective.

I always try to keep this thing in mind. It helps me in looking at it. This word is kiss, k-i-s-s. It means "keep it simple, stupid," and it really works. You can put the most complicated thing together but if you keep it simple even a man like me can understand it.

Chairman ABOUREZK. Thank you. Any other discussion of this concept? The more you talk about it, Ernie, I think we are probably right that you will have to have one full-time anchorman or core staff guy kind of sitting on each task force. It may be too much for more than one man, so we may need more than one.

Mr. STEVENS. With task force specialists working for the task force and not for the staff, I think we can do that. He is responsible to the task force members. When it comes time to submit a report we will get it and then whatever work the Commission requires for us to do in combining all these reports. We envision a quarterly report in which we are going to get 9, 10, or 11 of these reports and we have to combine them in some sort of way.

You may want additional data from the preliminaries. This person should work for that task force if you want to have a person like that.

Congressman Meeds, who was not here in the beginning, I pointed out there was the one approach: the same three members full time for a year. There was another approach taking a mixture of full- and part-time people. There is another approach of using possibly a core staff to work with all the task forces and the task force members working with them across-the-board on different subject areas. This was the thing we were talking about with Sherwin and Mel Tonasket the other day.

We can get the task force members from people who are experts in that field and who work in that field, but yet who are not readily available to work full time. It was on a six-man month or person-month basis. That would allow, if you wanted to, to have a full time person and two other part-time members. That this kind of thing, and we checked it out in both the Budget Office and the Financial Office and we can—I took it up with Kirke—put on a staffperson for that task force.

Congessman MEEDS. Mr. Chairman, I noticed on this flow chart there was no place for typists or stenographers. Do you contemplate a stenographic bank or something that all the task forces would draw on. Or would it not be better to include them among the specialists in the task force subject areas?

Mr. STEVENS. We could use a clerical bank for the task force specialists if they are predominately here—we could do that.

Chairman ABOUREZK. As needed.

Mr. STEVENS. Yes, sir. It is possible within the budget. We have provisions for that. That would be in the same area as those core technicians.

Congressman MEEDS. I know you have it in your budget but I don't see it here. There in No. 2 the word is "administrative" and facilitative phrases. Typists, statisticians, whatever is needed in that pool—the upper right hand corner.

Mr. KICKINGPIRD. Administrative, as required——

Mr. STEVENS. We put that in there as an accommodating device. So it could be done again in a number of ways.

Congressman MEEDS. OK.

Commissioner BORBRIDGE. Mr. Chairman, I can certainly see the strengths of the approach with respect to how the task forces are to be conducted. Would you anticipate as we look at the various task forces and try to anticipate and wish there would be possibly someone, maybe all three people on a part-time basis for 4 months to be succeeded by others as a decision is made as to whether there will be three full-time people or three part-time people or two full time and one part time, would the decision largely be made in terms of the quality of the talent that would be available so that having assessed the people that were available there would then be a determination of whether we want full time or part time?

Mr. STEVENS. Yes, sir. I think that in the preparation of each task force, I think I mentioned this before, they should do some kind of tentative goals and objectives. We should lay out a specific group of work for each task force. We should break down the elements of the subject area within each task force and we should prepare a budget for that task force.

I think that is something that is done out of this one committee or if you choose a task force specialist hired early on and working with a committee or was the staff to do that?

Ultimately, when the Commission decides who they want to select, then we send letters out to these applicants. We are going to ask them to what extent they are available. We were talking during the lunch hour of writing them a letter and posing several questions to them as to the quality of their work and see how they would respond to it. So we could actually put together a system by which you could measure the quality of the candidate and in it they would say whether they were available. So ultimately, about how much time do you want them to spend—that would be the Commission's decision.

Commissioner BORBRIDGE. I see. I would anticipate, in a sense, that most candidates would be motivated to apply on the basis that it would be full-time employment and likewise those employed full time would feel constrained from doing so. You would undoubtedly recommend to us then that we indicate that part-time service would be possible.

In which case I would say that probably there might even be some solicitation of individuals with a well known capability that would not be interested in full-time employment but who might, if encouraged, consider part-time employment. Is this part of your idea?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. Is there any further discussion on this particular concept? Incidently, as I understand it, we are not wedded to the precise concept. This is just to give the staff some kind of direction and

guidance so that they can go through the budget with this kind of concept in mind. It can be changed.

Of course, the budget is drafted on this basis, as I understand it. Is that right, Ernie?

Mr. STEVENS. That is right. As of the day before yesterday. That is why I brought up about that task force specialist. If we don't want to do that we should strike that. I want to emphasize to the Commission that is a concept that I like. However, it can be done in a number of ways very well. And whatever the Commission's pleasure, we can adjust the budget accordingly. It is no problem at all.

Congessman MEEDS. Mr. Chairman.

Chairman ABOUREZK. Yes.

Congessman MEEDS. I think the concept is very good. I just have one question about the graphics. Who is the person who worked on the Titan Missile in these graphics?

Mr. STEVENS. This is very embarassing.

Congessman MEEDS. It looks a little warlike, that's all.

Mr. STEVENS. We found this out by accident when we were working on this the other night. We had a fellow from the Colville Reservation helping us out—Chuck Peone—at no cost to us. He is a management trainee. And to our chagrin, after we finished the concept, we found out that he had won a contest once in Indian school for designing this space vehicle. So he seemed to have a thing about that.

Chairman ABOUREZK. It looks to me like an arrow.

Congressman MEEDS. OK.

Chairman ABOUREZK. I just wanted to point out then that this is my understanding and I will ask Ernie to correct me if my understanding is wrong.

If we agree on the concept thing, we will go through the budget and give our tentative approval. I might add that I have given my work to Congressman Yates and Senator Hatfield, who could not be here today, that we would only tentatively approve the budget, if that is permissible with the Commission, subject to the review. If we have any changes we can make them now and we will let them bring up their changes for consideration with the entire Commission later on.

Once it is finalized, if we don't have any changes, we might come back if they do, they will come back by mail. Then we will get the budget in the hearings next week. I will have to go up with Ernie and testify on the Senate side and you will have to do the same on the House side. We will try to get through. Of course, we can make changes as we go along if we find that something is not working, we will just change it. We will try to make it work.

Do you want to go through the budget now if there are no more questions or comments on this method here?

Mr. STEVENS. The budget, when we started we had to make certain assumptions as I explained in the beginning how we made those assumptions. In talking with Senator Abourezk, and Congressman Meeds, in talking with some of the other Congressmen and Senators, some of the staff people and then with some of the people who worked on the legislation. Just recently, or course, the other day we talked with Chuck Trimble and Mel Tonasket. Other than that many of the budget assumptions are in the legislation. There are timetables in the legislation that determines the length.

For instance, part of the thing that determines the expenditure on the task force is marked in the legislation. It allows the task force to operate for 1 year.

Also the length of this task is laid out in the legislation. The time in which the report can be completed was within 18 months from the beginning of the task force that determines the nature of the budget.

Of course, the one thing we just discussed. There had to be some kind of a budget to have the kind of flexibility that could change the nature of each individual budget. I recommend that when we assign the scope of the work, and task forces begin, that a budget be negotiated with the committee or the Commission before they are launched.

I kept the introductory parts that were laid in the law. I wanted to also explain we are required, or we have been requested to submit, a budget which includes from the beginning of fiscal year 1976 which starts July 1 to the end of the fiscal year. And then the following year is called 197T. That is a transition year in which the budget is going to be changed. And so instead of the usual 12 months, we have a 15-month budget here. Some items which vary from the 15 months are explained here that it was 14 months, 10 months, or whatever it is.

I talked with Warren Kane from Senator Hollings' office yesterday. He wants to have hearings the end of next week. That would be no earlier than Thursday, possibly Friday. He has also asked us to split this budget. Instead of where we have one figure for the 15 months he wants us to make fiscal year 1976 and 197T side-by-side and then the total. That isn't any problem for the girls. We will just let them do that. We will just have to separate that. That is determined by schedules. There will not be any problem of separating it.

The first item is the Indian Commissioner's. We are asked by the Senate Financial Office to be very careful about titles.

Then the regular staff is prorated over 15 months and at the present salary the staff director, the general counsel, the professional assistant and the clerical assistants, which number three, total $162,837 for 15 months.

The investigating task forces and this is 3 each, 10 groups—it may be 11—it may be 9 or whatever, but in any case, if you don't authorize 10 then there won't be 10. Senator Abourezk was interested in 1 that might come to 10. I am sure if it came beyond 10 we would probably amend it. But in any case there are 10. That would be 30 members the total annual salary of $750,000.

That is on the basis of 6 man-months. Pardon me, $375,000 for 6 months. I am sorry.

Congressman MEEDS. Could you back up just a moment to clerical assistance?

Mr. STEVENS. Yes.

Congressman MEEDS. Does that work out to $14,000 a year?

Mr. STEVENS. Yes. I don't know what the average is. It would take civil service grades. I think we took one 11 and two 9's.

Congressman MEEDS. I don't want to be telling any secrets out of school. I don't have a clerical assistant in my office, and I have some very good ones, who earn $14,000—$12,000 but not $14,000.

I know that salaries are higher on committee staffs than they are in the Members offices. In fact it gives us a lot of trouble in our offices sometimes. I'm not going to complain about that but I hope that we

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don't assume that because we have got that in there we are going to run out and offer everybody who comes in the door $14,000.

Mr. STEVENS. No, sir. We have a provision, of what we hope will be a part of the procedures later on that I asked to be inserted, which says that no one can draw a salary higher than 25 percent of their previous salary or 25 percent of the average of the last 5 years.

The only reason that is included in there is that they come from the field—that would be the most.

Congressman MEEDS. That would be a good rule of thumb. But you may have to find yourself making exceptions to it too. Also, since I've been involved in the process of trying to find somebody for this current staff position, I found that salary is not the most important thing. It is getting these talented people to come back here to Washington, D.C.

Some talented Indians simply don't want to come back to Washington, D.C. So you've got to make it attractive somehow. I am not complaining about the salaries. I think it may well be that there are clerical people who are worth more than $14,000. I just don't want to see a start from that premise, because we put in an average, that we have to pay everybody that right off the bat.

Mr. STEVENS. We anticipated originally a top salary of $17,000 for someone who would be a chief clerical. We filled that at less than that already. Considerably less.

Commissioner DIAL. I would like to also say if the salary becomes trouble, or is trouble, I would probably favor that other task force position if it means making an entirely new budget.

Mr. STEVENS. The annual on that is $36,000—on these three clerical. This is $15,000, so that is what that runs. The total if you choose to use nine task force specialists would be $273,000. That would be for 13 months. They are in the category of consultants and while actually employed would be the upper circle.

The core technicians are actually specialists. They put in their contracted studies. We had nothing in mind there particularly with the possible exception that you may want to use specifically the Bureau's study on contract. You can make that decision later. Or you may have other kinds of contracted studies during the 15-month period. That does not mean you cannot have them after that. You would have approximately $14,000 left after the 197T fiscal year is up.

Congressman MEEDS. Is it your opinion, Ernie and Kirke, that the management study provided for in the bill is mandated. Is it mandated?

Mr. STEVENS. It calls for public or private. There is a certain amount of latitude there. It can be done with a mixture of the efforts of the administrative task force and the efforts of the pool of consultants, of people coming here from Government to put studies together. And if you wish you could do an additional study to that.

Mr. KICKINGBIRD. The study is required. We have no choice about that.

Congressman MEEDS. It is specifically set out?

Mr. KICKINGBIRD. Not only does the whole subsection of section 2 state that, this is one of the items that shall be done. The specific reviews in this language, that such reviews shall include a management study at the Bureau of Indian Affairs.

Congressman MEEDS. OK, thank you.

Mr. STEVENS. The total consultants would be $672,000. The administrative expenses would be $15,500. The travel and transportation is

$293,000. The hearings which include recorders' fees and transcripts is $60,000. Stationery and office supplies are $12,000. Communications—telephones and such—is $55,000.

By the way, on both the copying and the telephones we are going to have a problem there because of the nature of the task forces and where the people are—possibly also on travel. This is another reason why I think we should do some kind of budget internally within the task forces so that everybody knows.

Congressman MEEDS. Will we have access to, at least in the Commission office, a Watts line?

Mr. STEVENS. Sir?

Congressman MEEDS. Will we have access, at least in your office to the Watts line?

Mr. STEVENS. That is something we are going to get into right now. I am sure that that is something that would make a lot of sense. We probably will need it.

Mr. KICKINGBIRD. We have received some conflicting reports on that. We have not had time to run them down. There is some uncertainty as to whether we are eligible for that. It revolves around the fact that we seem to be unique as a congressional commission.

Most of the Commission's people have talked to us, have been of the type where Presidential commitments are made. It has put us in an executive kind of thing that has contributed to our problems.

Mr. STEVENS. Newspapers, magazines, and documents $5,000. Printing and reproduction $105,500. The total administrative expenses are $582,000 which includes consultants.

The total amount is $2,060,000. I don't have with me the original based on the full-time task forces at such-and-such an amount. But it was not much different than this. I just wanted to say that because it is kind of a matter of style how you want to do it. To save on one thing and spend it on something else.

Congressman MEEDS. This amount, $2,060,000, is premised on one full-time task force person. Is that right?

Mr. STEVENS. Yes. We have in the front part, just for your information, to give you an idea of what it would be, the total budget for fiscal year 1975, fiscal year 1976, and fiscal year 1977. That is on the back. We are on a contingency fund now, but that is assessed against our total.

And the amount, at present the way we are operating right now, it will go to June 30, having spent approximately $100,000. It is a little less than anticipated. That is fine, because we can save it for later, when we may need it.

Congressman MEEDS. How many months do we actually have in which we will have very substantial expenditures after the 15-month period. It seems to me we are almost within 2 months of the time of three of our major efforts.

Mr. STEVENS. By that time, just approximately right after the final task force reports are done, will be the end of the interim fiscal year 197T. And at that time what remains is that we will have the task force reports in hand.

And the Commission and the staff will have between 5 and 6 months, depending upon the last task force reports, to complete the Commission report. The expenditures are much less at that point because there are no task force members left. The core specialist is gone and pretty well

what is left is the Commission and the Commission staff and any specialist we call in, possibly an editorial person, who is greatly lessened. We will be very comfortable within the constraints of the remaining moneys.

Congressman MEEDS. Is there a present plan to report to Congress in January 1977.

Mr. STEVENS. Yes, sir. On approximately January 15, 1977. I suppose that would be specifically on January 21. And at that time the legislation calls for it to be 6 months after the task forces. Then there would be 5 months that would be wind down time for the Commission staff.

Commissioner WHITECROW. With regard to that particular time frame, I was wondering, Ernie, what is the date for the 94th Congress. Will we be in conflict with that?

Congressman MEEDS. This will go into the 95th Congress. This report will be made to the 95th Congress. We will close probably sometime in October 1976. That is a Presidential election year, October or November.

Mr. STEVENS. The report will be rather timely.

Congressman MEEDS. Very timely. Again, as with the rest of your work, Ernie and Kirke and other members of the staff, it appears to me that within this general conceptual framework you did a very workmanlike job in setting out what expenses could reasonably be anticipated at this time. Again, I am sure you will want to concretize these and give us some good guidelines as to the direction we are heading. I think it is a good budget, personally.

Commissioner BRUCE. Mr. Chairman Meeds.

Congressman MEEDS. Yes, Mr. Bruce.

Commissioner BRUCE. How much—I guess we talked this over yesterday—is it going to be possible for you to detail people—I'm talking about secretaries and some other people who might help detail, by detail I mean leaning to us without touching our budget.

Mr. STEVENS. We have taken this up with Mr. Ridgely. We have to reimburse them.

Commissioner BRUCE. I see.

Mr. STEVENS. We are looking further into that but that is the answer we have gotten. We have some people in Government who would be very welcome part time and would like to come and various secretaries of the agencies. We have to reimburse them. I am not against that. I think that would be fine.

Mr. KICKINGBIRD. The one advantage we do have in that respect that Ernie touched upon this morning was that among the powers of the Commission is the ability to request studies and surveys from the executive branch. In this way, without a detail, we can get help from such experts. What would be the best example is Bill Veeder, the water expert. We could request a study from him and that way we could take advantage of their services without making expenditures from our budget.

Congressman MEEDS. Are there further questions on the budget? Ms. Deer?

Commissioner DEER. I don't know if there has been any consideration given to this, but I think we should also take advantage of some of the volunteers that are around. I know that there are a number of people who have a great deal of expertise and who are not necessarily

interested in salary. I think this would be a good saving to us if we could be selective among volunteers.

Congressman MEEDS. Mr. Bruce?

Commissioner BRUCE. To add to that, I don't know why but there are some corporations who would like to loan some of their people free. I don't know why. Reservation development or something like that which would save our budget maybe.

Congressman MEEDS. We clearly ought to take advantage of all the volunteer labor unless it impedes the operation to such an extent. People come in and work for 3 days or 5 days. It is often more trouble really. I don't mean that to in anyway mitigate and say that we really don't like volunteers because we do. There is a fine line sometimes between whether a volunteer contributes anything or takes so much management time that he really doesn't.

Commissioner WHITECROW. Mr. Chairman?

Congressman MEEDS. Yes, Mr. Whitecrow.

Commissioner WHITECROW. I would like to allude to the administrative expenses, and agency contributions. Could I ask you to break that down percentagewise? It has to do with employee health benefits, civil service retirement, Federal employees group insurance, and FICA employees contribution. This is just for my own information. Could you break this down as to what percentage is paid in these various areas per individual? Say, as an example, FICA. Is this figure 5.8 percent? Civil service retirement. How many of our employees are to come under the retirement program?

Mr. STEVENS. Excuse me, one moment. Ray has the breakdown on all of the administrative.

Commissioner WHITECROW. The question that occurred to me, and maybe you can answer this: When we bring task force people in, is this going to be a contract with the task force person or will they come under, and will the Commission for example, come under this civil service retirement or the employee house benefits or anything of this nature in regard to the Commission?

Mr. KICKINGBIRD. It is going to vary with the type of personnel that we employ. Of course, we have no responsibility as far as withdrawing anything from consultants salaries. And I think the same is true for the intermittent employees. A temporary employee for 1 year will be a full-time employee. We will be responsible for taking some of these items out.

In the event we had someone detailed from the executive branch, we would be responsible for their contributions in this matter or, at least, repaying their own agency for that amount of money expended, or the employers contribution. In most instances it would depend on whether they were full-time civil service employees or not, or career type who want to take advantage of the civil service retirement plan. Does that help clarify? It is uncertain if what I am saying——

Commissioner WHITECROW. I guess basically what I would like to know, and this was not explained to us yesterday, the question probably should have come up yesterday with the Commission members themselves.

As an example, the meeting would be held in Timbuctu. And the Commission members, let's pray that it doesn't happen but, let's say there was an accident and a Commission member was injured or should lose their lives in this respect. What specific coverage would our

Commission members and, at the same time, our task force members have? In this regard, would this be up to the individual? A man carries his own insurance or would this be up to the Commission here to provide for this? Provide the necessary coverage.

Mr. KICKINGBIRD. For people who are only engaged, or actually employed, who are temporary or are consultants, that is on an intermittent basis, they would be responsible for maintaining their own health coverage. I don't believe they are eligible for the health insurance available to employees of the Senate. We can check that further for you, but I am pretty certain of that. Ray, do you have any more specifics on that?

Mr. GOETTING. They said that the alternative type of things that are eligible are only comparable to full-time employees. You have a choice of having health or not. You have certain choices but that is not offered to intermittent, part-time, or irregular employees.

Commissioner WHITECROW. What legal liability would we have then if we were on the task force and were out in the field and we become injured? What legal technicalities would be involved and how would the Commission be covered in this regard?

Mr. KICKINGBIRD. I am not certain. That is something that we can check.

Mr. GOETTING. They are not covered nor are they provided any protection on that basis.

Commissioner WHITECROW. They will be on their own.

Mr. STEVENS. They gave us a figure of 9½ percent and the fringes 9½ percent. That is where we got the $15,500. But I think we will break that down in detail and find out.

Commissioner WHITECROW. I was wondering how it was broken down.

Mr. STEVENS. I just asked Ray about that. I asked to have it in detail and he said that the financial office of the Senate said to use 9½ percent as a standard on all of those employee health, civil service, retirement and employee's health insurance and FICA.

Commissioner WHITECROW. In this particular instance would we not be liable if we had a task force member injured in an accident out there on task force duties? I am concerned with this on daily matters. In our office operation back home, I have people traveling constantly and we are responsible. We take them under our wing and bring them under employment, we are responsible in case they should have an accident during duty hours.

We are responsible for any occurance of an accident that might come to them. And we have those people under employment. I think we should look into that aspect. I am concerned that 9½ percent here might not be enough to provide the type of coverage we should provide for employees who have to travel great distances.

Mr. STEVENS. We had not really specifically looked into this for consultants on the task forces where they are working 3 or 4 months. But we will do that right away. We will have Kirke and Ray look into that. I know that there are not provisions for that. And we can look into it further and see whether we can make provisions for that. If we can do that, they will bring that back to the Commission. I'm sure that would not be too much of a problem. We will check into it because we did not discuss that.

Commissioner WHITECROW. Let's hope it does not happen.

Mr. GOETTING. I asked about that myself. There was no amount covered there.

Congressman MEEDS. Are there further questions on the budget generally?

When you make the presentation to the Seante Appropriations Committee, the Senate Finance Committee, I guess it is, and you present it in the fashion that you have here: How much of this, as we refer to it on the House side, are line items? In other words, what portions of it are we already frozen into as a matter of absolute certainty in appropriations?

Mr. STEVENS. I talked to the appropriations people. The only two things we have to be concerned with are to comply with a time limit, the job titles and some of the other things specifically in the legislation, and the other is without regard to how we wanted to do it we have to, and they just told me about this yesterday, we have to justify it in any case. But he said from what we have he could not see any problem with us having to do that.

Congressman MEEDS. What I am concerned about Ernie is for instance, we have budgets here on the basis of 10 task forces. I am convinced that we may need even more than 10 task forces. Are we frozen into 10 task forces when we present this and say it is approved as it is? Is this an internal budget for our purposes which we can change and which we can alter?

Mr. KICKINGBIRD. Let me suggest we get some guidance from Max on this part. I would guess that on an item such as 10 task forces, if we submit this to the committee we would probably be locked into it. Max, could you make some comments on this?

Mr. RICHTMAN. I think that is true.

Congressman MEEDS. Who are you, sir?

Mr. RICHTMAN. Max Richtman. I work for Congressman Yates.

Congressman MEEDS. Come up here where we can all hear you, if you will.

Mr. RICHTMAN. I think Kirke is right. If you make the request for 10 task forces, then you are going to be committed to the amount of money you request for 10. You will have to request an add-on for additional funds that you might need for more task forces than 10. You can do that too.

Commissioner DIAL. Seems to me there was a danger here then of presenting this at this time. Being able to decide if we are going to increase the number of task forces. If we present it to the Congress we are going to lock it in.

Mr. STEVENS. We can get this clarified. I just asked Ray and he did talk to Malstrom in the Senate office. He said the total salaries and compensation will be the line item. That we can adjust within that.

Congressman MEEDS. That would be my understanding. You would have a line item of a full category. You would have a line item in the category of administrative expenses.

Mr. GOETTING. You would have three line items: Consultants, employees, and administration.

Congressman MEEDS. Three line items.

Mr. STEVENS. Yes, sir.

Congressman MEEDS. Then we can make different internal changes within this as we go along and maybe find out that we need to make some changes.

Mr. GOETTING. Even though they indicate there is a possibility of adjustment among consultants, and you don't use it all, you can use it for other expenses.

Congressman MEEDS. I would just advise the staff that they ought to check with the Senate Appropriations people and the House Appropriations people to make sure that we have the most flexibility that we can have. Because it is very difficult to look ahead right now and tell precisely what is going to happen if we are to be budgeting for our own purposes.

Mr. STEVENS. On this thing with the task forces I think we should right now put some better words in here. We have an inconsistency in the words here. I went from one page to another. One says 9, one says 10.

I was wondering possibly if we could put in there a range and set the amount. You could put a certain total amount and put a range of task forces.

Congressman MEEDS. Why don't we leave the amount of money as it is programed now and say from 9 to 12 task forces.

Commissioner DIAL. Yes.

Congressman MEEDS. I am convinced that we will probably need more than just one more.

Commissioner BRUCE. I am too.

Mr. STEVENS. Yes. That would be good.

Congressman MEEDS. Could we have a motion to that effect?

Commissioner DIAL. Mr. Chairman.

Congessman MEEDS. Mr. Dial.

Commissioner DIAL. I move that we increase the number of task forces, or change the wording to read where it reads 9 in one place and 10 in another, that this should read from 9 to 12. I am not looking at that.

Congressman MEEDS. The staff will find that.

Commissioner DIAL. We can work out the details.

Congessman MEEDS. Mr. Bruce.

Commissioner BRUCE. I would like to second that.

Congessman MEEDS. It has been moved and seconded that the staff correct the wording, where it refers to 9 task forces in 1 instance and 10 in another, correct it to read 9 to 12 in all instances. And that the amount of money set aside for task forces remain the same.

Commissioner BRUCE. May I ask a question? Does that mean to change where we are talking about 27 employees. Does that add 12 more, possibly?

Mr. STEVENS. It might.

Commissioner BRUCE. There is enough flexibility with this motion to do it?

Mr. STEVENS. Yes, sir. I believe we can adjust that, in effect, by negotiating each individual budget for each task force. The grant that Senator Abourezk brought up was alcoholism and drugs. That could be done with maybe no staff person and maybe 6 total man-months or something. It is an adjustable kind of thing. You could do that by negotiating each one.

Make them justify their budget on the basis of their scope of work, and what they have to do, the complexity of the subject.

Congessman MEEDS. Is there further discussion? If not, I will put the question. All in favor of the motion of the gentleman from North Carolina will signify by saying aye.

Chairman ABOUREZK. Excuse me, what is the motion?

Congessman MEEDS. Pardon me. The motion is to correct two references in the budget. In one instance it appears to be 9 in the task forces and 10 in another. This vote is to provide that it be from 9 to 12 task forces. I think most of us are convinced we will need more than 10 task forces. We don't want to get locked into a figure of 9, or even 10 without flexibility.

Chairman ABOUREZK. Thank you.

Congessman MEEDS. All those in favor signify by saying aye. To the contrary no.

The ayes appear to have it. The ayes have it. The motion is carried.

Chairman ABOUREZK. Is there anymore discussion on the budget itself? Have there been any motions to change the amounts or anything? Is there any further discussion of this budget? I will put the question, then.

The question is on the approval of the budget as presented. All those in favor say aye. All those opposed no.

The ayes have it. The motion is carried. This is, by the way, tentative and subject to review by the missing members. I think this is a significant enough item that we should give them a chance to record their suggestions and changes.

Ernie, do you have any more business from your side?

Mr. STEVENS. One of the things that you have is to tentatively set a date——

Chairman ABOUREZK. Can we set a date for the next meeting?

Mr. STEVENS. Yes.

Chairman ABOUREZK. I suggest we set it right now. It is the date on that flow chart. That would be what? June 12? Is that right Mr. Stevens?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. All right. Unless there is an objection to that, the next Commission meeting will be June 12, 1975. The staff will send out written notices by registered mail. I think that is a good idea to do because one member did not get a notice for the meeting this week and found out, but did not get the notice. I think we ought to send it by registered mail. So that somebody will have to sign a card for it. Does 2 weeks—how does that sound? Maybe 10 days. Let's say 10 days. Ten days in advance of the meeting with the time and the location.

We have talked about alternating which side of the Hill we can hold these meetings on.

Congessman MEEDS. That is a Thursday.

Chairman ABOUREZK. Is June 12 a Thursday?

VOICE. Yes.

Chairman ABOUREZK. Why don't we make it Friday. We have very few buzzers ringing on Friday. With this under the heel of those vote bells.

Mr. STEVENS. We didn't want to drop Friday the 13th, on the task force.

Chairman ABOUREZK. Why don't we call it Friday the 12th? I think we ought to keep these meetings on a Friday because the business around here is not so hectic. It is a lot better at 9:30 in the morning.

We will try to hold it on the House side if we can find a room over there.

Is there any other business by any members of the Commission?

Commissioner WHITECROW. Yes, Mr. Chairman.

Chairman ABOUREZK. Mr. Whitecrow.

Commissioner WHITECROW. In that portion of your booklet on the flow charts, the first page, it shows a May 5, 1975, Commission staff review of approved general plan. Is that still in the schedule? Am I to assume that we are going to be staying over for 2 or 3 additional days here?

Mr. STEVENS. No, sir. We are just talking about the staff beginning to work within the guidelines. That record starts on Monday.

Commissioner WHITECROW. That would just be the staff, not the Commission members?

Mr. STEVENS. Yes. On the basis of things that were decided specifically today only. There are some other procedures that have to be dealt with but they could be reviewed in the interim of the next meeting. We have enough to go on.

Commissioner WHITECROW. You are telling us that we have given you enough work to do?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. Commissioner Deer.

Commissioner DEER. Could we have some discussion on the task forces? What was the conclusion about this?

Chairman ABOUREZK. How they will be set up?

Commissioner DEER. Yes.

Chairman ABOUREZK. I think within this flow chart the Commission would have the flexibility of setting up as many people on the task forces as might be needed for that particular subject area. From one to five or whatever is necessary. In fact, we did not really decide the number of the task forces. We just used that as guidance for the staff to draw up the budget so that we could defend the budget in front of the Appropriations Committee.

This will be very flexible at a later point subject to our approval.

Congessman MEEDS. Mr. Chairman, perhaps I could respond, at least conceptually to Ada so that other members will have some idea at least as to what I am thinking of as far as meeting on task forces. We have already set a meeting for a week from tomorrow afternoon with the other two members of the task force group. In the meantime it is my intent to get together with Ernie and Kirke and other people.

Mr. Chairman, we really want to try to do it in two stages. Stage one being the stage at which we would try to draw the scope and jurisdiction of the task forces and determine how many we really need to cover the subject matters that we have been charged with.

Then to be prepared to present that scope to the members here on Friday and get their input. Thereafter to begin to look at people to fill that. Obviously there are some people we all know who would be good task force members on various task forces, some of whom could work full time, some of whom could not provide much time.

In the latter instance those people who cannot provide much time are going to need more staffwork. They will be, in effect, guidants. They will establish the policy and then they will get the staff people, or other members of that task force, to go out and find the material.

Other task forces you might have three people, all of whom could devote full time. And they might only be at it 8 or 10 months and be prepared with a report. It is the kind of thing that because of the latitude and the subject matter and the varying abilities of the people out there, that we are going to have to be quite sensible on help combinations of these different concepts with each task force. This is really going to be a very critical thing, as I see it, for this Commission. Those task forces and what the scope of their authority and jurisdiction is and who is is on there to have to execute them. I assure you that I take the charge very seriously and intend to put in a great deal of time.

Commissioner BORBRIDGE. Mr. Chairman, I would concur with the vice chairman as to what would be required in terms of suggesting fees, not only based on the qualifications and experience in the broad sense but also experience with a particular tribal situation which would cause the diversity of the tribal groups among Native Americans.

It can differ markedly in various respects. It would appear that the Commission then will be giving some recommendations in a twofold sense.

One with regard to possibly new task forces that might be considered to those others, and the other part which would be consideration of recommendations to staff or to compose the membership of the task forces. Ongoing with this, I understand, the staff director will also be developing for consideration the anticipated scope, along with committees of these task forces. The Commission members would consider two things to be giving assistance. And those two things would be as follows:

One might well be that the Commission members may have in mind a subject matter which they are not certain is necessarily covered within the scope of the existing task forces. Their suggestions for incorporation of a subject of possible study and investigation would be pursued. Possibly by making some point to the director.

The other is to submit for consideration a possible subject itself which might well compose a new task force. These would be some possibilities.

Chairman ABOUREZK. Thank you. Now if there is no other business, I think we can crank down here for today.

Commissioner WHITECROW. Chairman Abourezk.

Chairman ABOUREZK. Mr. Whitecrow.

Commissioner WHITECROW. I have one further item. I would like to call your attention to page 3 in the administrative procedures manual that we have, paragraph 4.

Chairman ABOUREZK. Does it say forces duties?

Commissioner WHITECROW. No, it says administrative procedures.

Chairman ABOUREZK. I don't have that tab.

Congessman MEEDS. I don't either.

Commissioner WHITECROW. Administrative procedures tab, page 3. This is on administration and finance procedures.

Chairman ABOUREZK. Go ahead.

Commissioner WHITECROW. What I wanted to bring to the Commission's attention is, we discussed this yesterday, Ray, if you recall, having to do with vehicle damages. Inasmuch as we are in the field constantly and being very aware and alert to liability, I understand that in the event any of our task force people or any of our Commissioners might be on the road and by necessity have to rent an auto-

mobile to pursue their responsibilities, there is one statement in here, the last sentence in paragraph 4 on page 3 "vehicle damages for which the traveler is legally liable is a traveler expense item." That particular statement leaves us wide open as I see it. What would happen if we were to have a task force employee, or a task force member wreck an automobile and total it? Would the Federal Government pick this up? Would the Commission have to pick this up and take care of the expense of the repair of this particular item? This might be very dangerous to us in this manner so I would like to submit this as a suggestion. That we get this in writing from everyone of the people who come onboard as a task force member or a Commission member as such to make sure that they are covered by personal insurance.

Chairman ABOUREZK. I think that is a good idea. I will direct the staff counsel to make certain that that is done with anybody that comes to work for the Commission or members of the Commission as a matter of fact; that there is a requirement if they are going to use their personal automobiles on Commission business, that they show adequate coverage to the Commission of insurance liability and collision, so the Commission will not itself be liable for those damages.

As a matter of fact, where did this section come from, Kirke?

Mr. KICKINGBIRD. These are the standard procedures of travel issued by the Rules Committee of the U.S. Senate.

Chairman ABOUREZK. Could you also get a further interpretation of the circumstances that the Government pays for damages. For example, is it a deductible payment only? Find out what the experience has been with that clause.

Mr. KICKINGBIRD. All right.

Chairman ABOUREZK. Thank you, Mr. Whitecrow. I just want to express my thanks. Ada, do you want to say something?

Commissioner DEER. As a concluding statement, I want to express my appreciation for the opportunity of serving on this Commission. I think we Indian people are particularly honored to have such a distinguished congressional delegation. By that I mean, this is the first time in the history of Indian affairs that we have two chairmen of the two Indian subcommittees in the House and the Senate that have demonstrated sensitivity, dedication, and a sense of justice working in their capacities to help Native Americans. I look forward to working with the Commission with humility and enthusiasm.

Chairman ABOUREZK. Thank you. I am glad you are finally saying that, instead of considering us a sex symbols. Before we adjourn I just want to express my extreme gratitude to all the members of the Commission. I am very happy about this meeting myself. We got everything hammered out. I am confident that we are going to continue to act like grown men and women, which is what we did today, without anybody bickering. We got our problems ironed out in a very good way, I thought. I am sure that the Commission will be able to get out its report because of the nature and makeup of this Commission. I am extremely pleased, myself.

My thanks also to the staff. I know how hard they have been working. They have done an excellent job, I think. They have produced for this Commission and obviously a great amount of thought went into this. The way it has been set up and the way it is going to work. I don't want to give too much praise to them. It will go to their heads if I do. But I just want to show my expression of thanks to them

now. So I entertain a motion that we move to adjourn now. Without objection the motion is agreed to.

[Whereupon, at 4 p.m., the meeting adjourned.]

MEETINGS OF THE AMERICAN INDIAN POLICY REVIEW COMMISSION

FRIDAY, JUNE 13, 1975

AMERICAN INDIAN POLICY REVIEW COMMISSION,
Washington, D.C.

The Commission met, pursuant to notice, at 10 a.m. in room 2175, Rayburn Building, Senator James Abourezk presiding.

Present: Senators Abourezk, Metcalf, and Hatfield; Congressmen Meeds, Yates, and Steiger; Commissioners Louis Bruce, Adolph Dial, Ms. Ada Deer, Jake Whitecrow, and John Borbridge.

Staff present: Ernest Stevens, and Kirke Kickingbird.

Chairman ABOUREZK. The American Indian Policy Review Commission meeting will come to order. I would like to welcome everybody here today.

For the benefit of the official reporter, I also want to call the roll so she can get everybody's name.

Congressman Lloyd Meeds.

Congressman MEEDS. Here.

Chairman ABOUREZK. Commissioner Adolph Dial.

Commissioner DIAL. Here.

Chairman ABOUREZK. Commissioner Louis Bruce.

Commissioner BRUCE. Here.

Chairman ABOUREZK. Commissioner John Borbridge.

Commissioner BORBRIDGE. Here.

Chairman ABOUREZK. This is Kirke Kickingbird, general counsel; and Ernest Stevens, Staff Director.

Commissioner Jake Whitecrow.

Commissioner WHITECROW. Here.

Chairman ABOUREZK. Commissioner Ada Deer.

Commissioner DEER. Here.

Chairman ABOUREZK. There will be a couple of more who will come along.

First of all, if Ernie is ready, I would like to ask him to provide the Commission members with a progress report of the Commission staff since our last meeting.

Before we do that, does anybody have anything they want to say or ask before we get into that part of it?

Commissioner BRUCE. Are we going to have a session devoted to discussion of business later on?

Chairman ABOUREZK. Oh, yes. Do you have a copy of the agenda? It should be in your briefing book.

Mr. STEVENS. I guess most of our activities this month have been trying to get the task forces ready, and the things related to that.

We have been spending about 95 percent of our time on it. And related to that, like last month, we made a move, just before the

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Commission meeting, which has caused us some administrative problems.

I would like to apologize for the shortage of information you have had in two consecutive months. It won't happen again. It has happened both times, the last two Commission meetings that we walked into a new facility with no copier. I want you to know that it is not my habit to put piles of paper on people like this.

Chairman ABOUREZK. What we asked Ernie for was a progress report.

Mr. STEVENS. I guess the most important thing to us is the move that we made. We moved into offices that at least right now are rather spacious. They won't be later when the support people come along.

We have spent a good part of our time this month, not just on the task forces, but on the detailed planning that goes into the logistics and the administration relating to the Commission's activities.

I think another thing I should mention is that there has been extensive liaison work with different departments within the Government, by telephone, correspondence, and also personal interviews.

One of them, that I think is worth mentioning, is that I am presently in conversations with Dr. Morris from the President's office. He has been very cooperative in dealing with us, particularly in the light of some of the excitement related to the Commission's activities.

He is preparing, right now, to host a meeting of all the different executives within the executive departments that deal with Indian affairs. They will host a meeting in which our Commission will outline our activities and go over the law. It will be an orientation session for all the Indian desks in different departments. Particularly, I guess, Interior and HEW, and others.

Commissioner BORBRIDGE. Dr. Morris and his staff will give a briefing?

Mr. STEVENS. No, they will just host a meeting. It is kind of a complimentary thing to show cooperation between the executive and the congressional. Previously we had Dr. Morris visit with Senator Abourezk last week.

We are trying to set that meeting up so we can set up an orientation——

Chairman ABOUREZK. I would like to interrupt. Congressman Yates has just come in.

Congressman YATES. Good morning everybody.

Mr. STEVENS. Also, we have been doing some work within departments, and next week we are going to meet with the Assistant Secretary for Programs and Budget in the Interior Department, and also other executives. Just within Interior—not the Bureau as such. We have already met with them.

Again, there is an orientation, and a review and analysis of the public law, particularly as it relates to the departments.

Our time has been taken up—again it's mostly related to the task force activity, but somewhat with the recent suit and the general interest in the Commission—with correspondence. We are running somewhere between 30 and 50 letters a day.

A good part of our administrative time and the time of the staff director and the general counsel are taken up dealing with some of these matters.

We have been helped a great deal, I wanted to add, by you authorizing Ray Goetting to assist me in administration in the interim, while we are waiting for another staff person. Ray Goetting and Chuck Peone are the Bureau Management interns, who we are utilizing at no cost to us, and Chuck is helping us quite a bit.

The problems that we might have had when we moved the office June 2 were greatly minimized because of their help.

We have these copies that we will distribute to you. The general counsel has been doing quite a bit of work lately with the recent legal action, which I guess will come up later on in the meeting.

He has been doing some work with me in terms of examining the legislation and its interpretations.

We are, I believe later on, going to discuss possible technical amendments. I guess we are particularly worried about whether or not we will use franking. We are not able to use franking privileges. We have to do something about that.

Either we have to have a technical amendment to the legislation to deal with that, or else we can just use postage. We will bring that up later, and some other possible amendments, if you wish.

With the filing of the complaint by MTCA, we have had to do a certain amount of research and liaion work with the Justice Department, and the officers and the various Commissioners.

We have checked and Kirke is checking on the liability that the Commission and its employees have with respect to acts that may be committed in the course of their duties. This was the one that Commissioner Whitecrow brought up at the last meeting, and Kirke will clarify that later.

The space I have already mentioned, and just within the last couple of days we are fit for visitors. We would appreciate the Commissioners coming down. The staff is adequate for the addition of part-time people, task force core consultants, task force members, and part-time members who happen to be in town for the Commission.

It looks overly large now, but it won't later. These facilities are a good place to work in, they are not sinful and they are not inadequate either. There is approximately 4,000 square feet of space and we have a small conference space. We have separate office space for the three professional staff, and we have a separate space for the task force people. We also have space for a small library, which we think is pretty crucial.

In addition, of course, administrative space and other separate offices. I think it should be emphasized, because people will ask, that the cost of the space and some of the accompanying furnishings are not charged to our budget. However, the telephones, office equipment, copying machines, and so on are. So that is something nice to know.

The budget, as approved by the Commission, has been forwarded and we are waiting for the second Senate supplementary appropriation for fiscal year 1975. A meeting with the Senate Disbursing Office has resulted in changes in our financial statements and administrative procedures.

These items are not prepared in the Manual of Operations. The material that we have in the Manual of Operations and some of the procedures that we have are subject to Senate rules. So we are conforming with them right down the line. Mr. Ridgley from the Senate Disbursing Office has been very helpful to us.

So, most of the guidelines that you have, are abstracted either wholly or in part, or are interpreted from the Senate rules.

We requested the Disbursing Office to provide us with financial reports, and we haven't received much, but they will be, I guess, approximately a month and one-half behind. So far, they have salaries but not much more.

Although the estimate that we had for the budget of approximately $75,000, I think we are probably under that.

And some of the details that some of you are interested in. We have ordered business cards and nameplates for the Commissioners. We have parking places over there and are making arrangements for some temporary parking for people that are coming in and out.

The only other help we received, at the last meeting I asked to hire another person to help us with some of the task force work, and we used 10 mandates for that. Other than that, it has only been Ray.

The task force applications and recommendations: We have had a heavy amount of time involved in this. We called the intertribal organizations, we called the Indian press and some of the larger Indian newspapers, NCI, trying to get their assistance to pass the word on the applications.

We have received, I think, probably in excess of 500 requests. In some cases, we have had to process them two and three times. So it has been a real hassle.

We called every intertribal organization that we could think of, and other Indian organizations, and then we followed that with letters and applications. This was in addition to a letter from Senator Abourezk that was mailed personally to over 800 tribal chairmen, Indian centers, intertribal organizations, and publications.

With the possible advent of the heavy task force work that is about to come up—we now have to prepare for them administratively. We are talking about, I suppose, anywhere between 15 to 30 people, depending on how it is handled. Whether it is on a permanent basis, part-time, or however we decide to do it.

It is going to be a heavy administrative load. So one of the things I would like to request, and I had hoped we could discuss it, is that I would like to have permission to hire, particularly the people that we need to prepare the task forces, subject to the approval of the Chairman and the Vice Chairman and the budget, and, of course, the Senate rules. In other words, to operate within the confines of the budget.

Congressman MEEDS. What people are those?

Mr. STEVENS. We need a legal researcher or a legal research assistant, and we estimated that he would work approximately 10½ months.

Just for a figure, we figured approximately $26,000 per annum. This could be considerably less, depending on what they had before. We have been using kind of a rule of thumb of proposing approximately 25 percent increase, or 25 percent over their last 3 years average.

A statistical analyst: We have that estimated at $26,000 and it is probably below that. We are interested there in a person who knows mostly the mechanics of statistical analysis as it relates to this type of work. I think there are specialists available in this field.

We are talking about these people working with all task forces. They come in the category of what we call task force core staff, people that would work for all task forces.

Chairman ABOUREZK. Ernie, how would we have to do that? Just form what we would call an Administrative Task Force and hire them, or how would we do it?

Mr. STEVENS. Yes. It is already provided in the budget, and it has already been proposed, but these were specifically the kinds of people I needed. For instance, we want to advertise. Some of these are technical positions.

The second one, statistical analyst, hopefully, is a person who knows something about data related to government. To me, we have enough people who know the Indian field, so that does not necessarily mean we need a person who knows the Indian field. He needs to know budget analysis, and statistical analysis.

And a research assistant and a secretary administrative assistant. They would not only help these people, but we have a heavy load coming up of preliminary research. In other words, each task force, I think, will probably require their own research and have their own ideas and most of them will be expert in their field.

However, some of the research that they will require that we get in advance is predictable. We have copies of the Meriam Report. In health, there is a recent study that was done on Indian Health Service that they may require. So, a lot of these predictable things need to be accumulated so that when they arrive, they can hit the decks running.

They would, of course, prepare some kind of a research plan of their own I am sure, which the core staff themselves, and us, would assist them in acquiring.

Congressman MEEDS. On your secretary administrative assistant, is this the person that will be administering and setting up the core staff and later, the secretarial help for all of the task forces?

Mr. STEVENS. Yes, sir.

Congressman MEEDS. I don't think you are going to get the kind of person you are looking for for $10,000 a year. I think you will probably need $12,000 at least.

Mr. STEVENS. It is possible to double as a researcher and administrative assistant.

Congressman MEEDS. I have in my office, a top secretarial person who really runs the mechanics of the whole office; assigns the secretaries, and sees that all of them are operating properly.

[A short recess was taken.]

Mr. STEVENS. To simplify, I was just illustrating some of the things we needed. I think what I am really asking for is, that subject to the Chairman's approval and the agreement of the Vice Chairman, I would like to proceed and be able to hire people by whatever means you want.

Chairman ABOUREZK. I will entertain a motion. What Ernie has been saying is that he needs three or four—how many people?

Congressman MEEDS. Mr. Chairman, I move that the staff director be authorized to acquire the people which he has listed on the last page of his recommendations, at the maximum salaries stated therein. With the exception of one secretary administrative assistant, which I would, in my motion suggest be changed to $12,000 from $10,000, and that these appointments be subject to the approval of the Chairman and the Vice-Chairman, and that they be sent to all members of the Commission as soon as they are made.

Upon the desire of any Commission member to question it, that the appointment be held up. In the absence of questions by any of the members and upon approval of the Chairman and Vice Chairman it takes effect.

Chairman ABOUREZK. Is there a second to that motion?

Congressman YATES. I second.

Chairman ABOUREZK. Seconded by Congressman Yates. All those in favor say "aye."

[A chorus of ayes.]

Chairman ABOUREZK. I have got to ask if there is any discussion of this motion? All those in favor will say "aye."

[A chorus of ayes.]

Chairman ABOUREZK. Those opposed.

[No response.]

Chairman ABOUREZK. The ayes have it. The motion is carried.

Congressman MEEDS. The $26,000 per annum for the legal researcher, as I recall, is more than we intended to pay the staff person who is going to be working with the task forces. I think Mr. Yates will be nominating shortly, and I strongly suggest that the position that Mr. Yates will be nominating a person for is as least as important as a legal researcher, and that the legal researcher not be paid more than that staff person. I just make that suggestion.

Congressman YATES. I think it is a very kosher observation.

Commissioner DEER. Mr. Chairman, I think it is very important that we have adequate job descriptions drawn up for these positions. If the work of the Commission is so important that we are under such a scrutiny, then I think a great deal of thought must be devoted to each job description and each position.

Chairman ABOUREZK. You mean on the core staff as well as the task force?

Commissioner DEER. Yes.

Chairman ABOUREZK. I think that has been done with the task forces, but Ernie, you will do that, won't you?

Mr. STEVENS. Yes.

Chairman ABOUREZK. I will direct staff to do that, and it is a good point.

Do you have any more on that progress report?

Mr. STEVENS. No, sir.

Chairman ABOUREZK. All right. I need a motion to accept the progress report.

Senator HATFIELD. So moved.

Chairman ABOUREZK. Senator Hatfield has moved; is their a second?

Commissioner DEER. Second.

Chairman ABOUREZK. Any discussion? All those in favor will say "aye."

[A chorus of ayes.]

Chairman ABOUREZK. Those opposed.

[No response.]

Chairman ABOUREZK. The ayes have it. The progress report is approved.

The next item on the agenda is the appointment of the third professional staff assistant called for in the law. There have been some discussions carried on prior to this meeting today about the appointment of such a person.

I will entertain, at this point, a motion for the filling of that slot. I recognize Congressman Yates.

Congressman YATES. Mr. Chairman, I place in nomination the name of Max Richtman, who has been on my staff for almost 2 years. I have come to know him very well during that period.

He has a very fine scholastic background, having graduated from high school as valedictorian of his class in Omaha, Nebr. He went to Harvard College at Cambridge and received his BA in 1969. He was on the Dean's list and graduated cum laude from that school.

He went to law school at the Georgetown University Law Center and graduated in 1973. He came to me totally out of the blue. He is a legislative assistant, and in that capacity he performed outstandingly well.

He had particular interest in matters concerning Indians, and through his various activities with the Indians, I note that the was interested in and active in the various activities of groups of Indians throughout the country.

He was vitally interested in helping me in my work on the Appropriations Subcommittee, Department of Interior; in particular, as far as that work related to the matters of the Bureau of Indian Affairs.

He is a very good writer, he is a good lawyer, he reasons well, he's got very good instincts as far as humanitarian interests are concerned.

I offer his name in nomination.

Chairman ABOUREZK. The name of Max Richtman has been placed in nomination. Are there any other nominations, or any discussion on this nomination?

Congressman YATES. I would like to add as a footnote that Max Richtman is here. Max would you stand up so that members of the Commission can see what you look like.

Commissioner DEER. I would like to second that nomination. The background of Max, as described by Congressman Yates, shows that he certainly is aggressive and he has great sensitivity and understanding and equipment to aid in the work of the Commission.

Chairman ABOUREZK. The second has been heard to the nomination of Max Richtman. Are there any other nominations or any other discussion?

Yes, Mr. Whitecrow.

Commissioner WHITECROW. I would like to enter into the record that this particular position, as I understand the position, has been served up to this point.

I would like to make assurances here that Mr. Goetting be continued with our Commission, on staff at some point.

Chairman ABOUREZK. I would hope so. He has done an excellent administrative job, and I hope he will continue to serve in some position on the task force. Thank you.

We will have a record vote of the members of the Commission to fill this slot. I will ask the staff director if he will call the roll.

Mr. STEVENS. Congressman Meeds.

Congressman MEEDS. Aye.

Mr. STEVENS. Commissioner Bruce.

Commissioner BRUCE. Aye.

Mr. STEVENS. Commissioner Dial.

Commissioner DIAL. Aye.

Mr. STEVENS. Senator Metcalf.

Senator METCALF. Aye.
Mr. STEVENS. Commissioner Borbridge.
Commissioner BORBRIDGE. Aye.
Mr. STEVENS. Commissioner Whitecrow.
Commissioner WHITECROW. Aye.
Mr. STEVENS. Commissioner Deer.
Commissioner DEER. Aye.
Mr. STEVENS. Congressman Yates.
Congressman YATES. Aye.
Mr. STEVENS. Senator Hatfield.
Senator HATFIELD. Aye.
Mr. STEVENS. Chairman Abourezk.
Chairman ABOUREZK. Aye.

Congressman Steiger is absent. It is 10 to 0 and 1 absent.

Congratulations, Max. I want to ask if a salary level has been discussed for this slot.

Mr. KICKINGBIRD. We have it on a memo right here.

Chairman ABOUREZK. It is $24,875. This was devised by the staff and is 25 percent above Max's previous salary, and consistent with salary levels of other staff positions.

Apparently that has been discussed with Max prior to this.

Mr. STEVENS. Yes, sir. It isn't exactly 25 percent, but it is approximately. We have been going on 25 percent, but when they set the other two professional positions, I don't recall if those were exactly, but we kind of spaced it out.

Chairman ABOUREZK. I think, consistent with what Congressman Meeds has said, that the position of legal researcher, even though we approved it at $26,000, ought to be dropped down. I would strongly recommend that you don't pay above this figure for the Legal Research Division.

In fact, I want to advise the Commission members that we recently hired some researchers on my Separation of Powers Subcommittee over in Judiciary, and we were able to find people for far less than that.

I will now ask Congressman Meeds, Vice Chairman of the Commission, to provide the members of the Commission with a report on the Selection Committee for the task forces which he has chaired and worked hard on for the last 3 weeks or more. I recognize Congressman Meeds.

Congressman MEEDS. Thank you very much Mr. Chairman. At our last full Commission meeting, the Chair appointed me, Commissioner Bruce, and Commissioner Dial to act as a task force on task forces, I guess a task force on selection, and charged us with reporting our suggestions to the full Commission, with regard to the scope and jurisdiction of the task forces, the number and makeup of the task forces, and our suggestions with regard to staffing the task forces.

I would like at the outset, to thank the members of the staff for their valuable help in our efforts and the other Commissioners who made two trips to the Washington, D.C., area for consideration of these matters.

I would like to report to the full Commission that while our suggestions are only that, suggestions, we do not consider them binding on the Commission and we would suggest that they be voted up or down.

In almost all instances, the suggestions will be unanimous, and I will indicate where they were not unanimous.

First of all, with regard to the scope of jurisdiction, we accepted the scope of work proposed by the staff, after work with my staff on the Indian Affairs Subcommittee of the House, as set forth in the manual or the notebook which you have all received; Scope of Work, one through nine.

Additionally, the overall proposed scope of work outline should work in the following manner. The basic outline or scope of work provided in the separate task force sheets in your handout, will be augmented and supplemented by the considerations of the task force after it is formed, following the outline marked No. 1, Full Scope of Work Outline, so that you have a combination of the input from this Commission and what the various task forces themselves perceive their own scope to be, so that they will, themselves, be involved in deciding, at least initially, what their charge is, at least as prescribed generally by that scope of work set forth in the individual task forces, which you have in the book.

Those task forces will, after developing what they feel to be their scope and jurisdiction within those outlines, present that to the staff director within 15 days of their formation. The staff director will, with the cooperation and help of the Chairman and Vice Chairman, approve or disapprove that scope and jurisdiction.

Now the reason for this is, that while we want the input of the various task forces on what they consider to be their own scope and jurisdiction, we also want that to come back to the Commission and to the staff director, so that where there are overlaps, those can be eliminated.

The staff director and the Chairman and the Vice Chairman would reserve the right to say, look Task Force 3, you have gone too far here. Task Force 4 is working on that, and that is what they properly should be working on. So we have both the input of the members and the checks and balances that there is no overlap.

In addition to the scope and jurisdiction set forth in the various Task Forces, 1 through 9, later 1 through 11, each task force will be charged with a separate prescribed work set forth in section 2, and I assume, Ernie, that you have melded that into the various task forces, so that in a newly prepared scope and jurisdiction those all meld into the proper task forces as we agreed.

Mr. STEVENS. Yes, sir.

Congressman MEEDS. Within 30 days of the formation of various task forces, the task force itself would present to the director and to the Commission, for the approval of the Commission, a plan of operation——

Senator HATFIELD. Would the Chairman yield?

Congressman MEEDS. Go ahead.

Senator HATFIELD. I wonder if you could identify what Task Force 1, 2, 3, and 4 are? Do we have a description? I don't find it in my material. I could follow you better by the description of the task force.

Congressman MEEDS. Do you have a black folder?

Senator HATFIELD. No.

Congressman MEEDS. Under the section called Scope of Work, you should have, first of all a proposed Scope of Work outline, No. 1, which is the general scope of work which the task forces themselves will use in coming to some determination about what their own scope and jurisdiction is.

Has everyone identified that? Anyone who doesn't have it?

If you turn, right after that you will find Scope of Work, Task Force No. 1, Trust-Responsibility in Federal Indian Relationship including prereview.

Task Force No. 1 is the task force on trust-responsibility in Federal-Indian relationship including prereview. That is the very general charge of that. Within the Introduction, Scope and Review, Supervision and Reporting, we will find a very general and broad charge, outlining the scope of that task force's jurisdiction.

The task force itself will develop within that broad outline, what it perceives to be its own jurisdiction and present that within 15 days of its formation to the director, who will look at it, consult with the Chairman and Vice Chairman, and approve or disapprove that scope of jurisdiction.

And I might just say that there are separate charges with regard to all the task forces, and they should be in the book.

Within 30 days of its formation, that is to say, 15 days later, the individual task forces will present to the Commission, and to the director, their plan of operation. In other words, how they intend to proceed.

If you will look in your binder under Plan of Operations Process you will see a flow chart, a task force process chart, progress chart which we, as the task force on selection itself, thought was a very good plan and which we would suggest that this Commission adopt. Does everyone have that?

Point 1 would occur 15 days after formation of the task force, and point 2 would occur 30 days after the formation of the task force.

Then the charge of the task force would be to report to the Commission every quarter. As I recall; they are charged under the law to do that.

We conceive this to be a good plan of attack by the individual task forces.

Then if you will go directly to the next page, we will be a little out of order, but the staff presented to the task force on selections, a project flow chart. Does everyone have that?

It is not our concept to commence all these task forces at once. Under that flow chart, which again, the Task Force on Selections thought was a good concept----

Chairman ABOUREZK. Lloyd, may I break in and ask, on this flow chart you have July 21, group A, Task Force 1, 3, and 4. Are you ready to go with 1, 3, and 4?

Congressman MEEDS. Mr. Chairman, we are prepared to explain, not only this operation but to suggest names to nominate, or suggest names for approval of the full Commission for Task Forces 1, 3, 4, and 9. Task Force 9 should be added as one that will be starting on July 21.

We agree with staff that 9 is a task force which is very basic. The work of Task Force 9 is very basic to the work of all the other task forces, and therefore, it should be commenced as soon as possible.

Additionally, I should point out that the full Commission is charged with the management study of the Bureau of Indian Affairs. It is our suggestion that the Staff Management Study be commissioned by Task Force 3, which is, in effect, the task force dealing with the Bureau of Indian Affairs and other governmental entities in relationship to Indian people.

If you will turn in your booklet to Organizational Chart, we earlier approved the appointment by the director, on the left-hand side, Task Force, Central Core Staff, and Administrative Support. We approved that.

The Task Force on Selection was impressed with the organization suggested by the staff, and it is our belief that there should be a task force specialist. In other words, a staff person especially assigned to each one of the task forces. So that would be the bottom line on your Organizational Structure Chart.

And for core technicians and core specialists, we don't set any number of those, serve all of the task forces. You would have core specialists in resources and in Indian law and a number of other things which would be available to all of the task forces equally, or as much as they needed it, which would then cut down the need for more then one person serving specifically each task force.

It was our belief that there should be a specific staff person assigned to each one of the task forces to be responsible for the basic work to be done by that task force.

Mr. Chairman, it was our feeling that, and we are suggesting to the full Commission, that no task force member be paid in excess of $25,000 per annum; that all task force members be paid the same salary; and that if task force members are not full time, that they be paid, not to exceed $25,000 on a full-time equivalent basis.

Chairman ABOUREZK. Does that include the staff as well?

Congressman MEEDS. We are not suggesting, Mr. Chairman, salaries. I don't think we have discussed that for staff of either core technicians, core specialists, or task force specialists.

Chairman ABOUREZK. Do you intend for a task force to have these three members, aside from the core technicians? Will that task force have staff of its own?

Congressman MEEDS. That task force, Mr. Chairman, at our suggestion, would have one task force specialist.

Chairman ABOUREZK. That is all?

Congressman MEEDS. That is all, but they will be able to draw on the central core staff if needed. They would have core technicians and core specialists, a pool of both, both secretarial, both specialists in fields which would overlap all of the task forces, such as resources, and maybe reservation management or something like that.

Congressman YATES. Would you yield please? Is it proposed that all your task force members be full time?

Congressman MEEDS. No. I am sure we will not be able to get full-time task force members.

Congressman YATES. Why don't you pay them as consultants then, on a consultant basis?

Congressman MEEDS. Because task force members are not consultants. But if they are not full time, they will be paid not to exceed $25,000 on a full-time equivalent basis. So if they don't serve full time, they will be paid part time, but not to exceed in any instance, no matter how little or how much they work, $25,000, because that is what a full-time person would receive.

Again, these are just suggestions. We made no suggestions, as I recall, with regard to salaries of the core technicians, core specialists, or task force specialists.

Commissioner. DIAL. This includes the chairperson too, does it not? They could very well be on part time.

Congressman MEEDS. Certainly. It is entirely conceivable that some of them will. Again, it is very difficult to find people who are prepared to serve full time in Washington, D.C., on these task forces.

Some of the most capable people in the United States in the various fields, cannot serve full time. That is another one of the reasons why we felt it was so essential to have a task force specialist in charge of each one of the task forces.

Chairman ABOUREZK. We will recess for 10 minutes.

[A short recess.]

Chairman ABOUREZK. The Commission will come to order. Before we were interrupted for the vote, Vice Chairman Meeds was in the process of describing selection of task forces by the Selection Committee.

I would like to ask Congressman Meeds to continue.

Congressman MEEDS. Mr. Chairman, finally, before we get to the specific nomination of individuals, the Task Force on Organization undertook to determine, within the charge of the full Commission at the last meeting, the number of task forces which was from 9 to 12.

The recommendation of our group was that Task Force No. 8, which is the Task Force on Urban-Rural Nonreservation, Nonfederally Recognized Terminated Tribes, be split into two task forces; Nos. Eight and Ten.

Task Force No. 8 be Urban-Rural Nonreservation, and Task Force No. 10 be Nonfederally Recognized and Terminated Tribes.

Chairman ABOUREZK. Do you want to make a motion for that?

Congressman MEEDS. I move that all the recommendations be approved ultimnately. Do you want to do it in piecemeal?

Chairman ABOUREZK. We can do them all en bloc.

Congressman MEEDS. I will go back.

We further recommend, Mr. Chairman, that there be an additional task force, Task Force No. 11, created, and that it be called the Task Force on Alcohol and Drug Abuse.

The area of alcohol and drugs had previously been under the Health Task Force.

Congressman YATES. Why are you separating it out?

Congressman MEEDS. Let me just first state that I think that was the only decision we made that was not totally unanimous. I personally was in favor of leaving it with health, the other two were in favor of creating a special task force.

I think I was almost the only one that wasn't in favor of it.

Congressman YATES. Would you rather have the discussion at this point or later?

Chairman ABOUREZK. We may as well do it now.

Congressman MEEDS. It doesn't make any difference, Mr. Chairman.

I would just like to say that we are now undergoing the hearings on Indian health and in Gallop, N. Mex., testimony showed that the number one cause of death and injury on the Navajo reservation was from alcohol-related accidents. It is either the number one or number two cause of death in almost all areas.

Congressman YATES. Will the gentleman yield? Why shouldn't that be in the nature of a subcommittee under the task force rather than having a special task force of its own.

I recognize that it has been the subject of a great deal of discussion over the years, but I wonder whether or not it isn't really related to the subject of health, and therefore it should be the subject of a special subcommittee.

Chairman ABOUREZK. I want to be able to respond to that if I could. Sam go ahead.

Congressman STEIGER. Thank you, Mr. Chairman. I said that I would tell you that nobody could dispute the fact that alcohol is a health problem, but alcoholism on a reservation is far beyond that.

I normally would not like a proliferation of task forces, but I feel very strongly about this. I think the supplementing of a subcommittee, is to show our lack of awareness that it is a totally unique situation, and deserves a very broad-based look and not just a narrow look.

I really hope we stay with the recommendation of breaking it down.

Congressman YATES. I would like to have an Indian's opinion on this.

Chairman ABOUREZK. I wonder if I might be able to respond before anyone else.

The separation of alcoholism and drug abuse from the Health Task Force is probably the result of a suggestion I made to the staff early on. I made it for this reason: Having been around reservation Indians all of my life and urban Indians for part of my life, I don't think there is any one result of the very bad relationship between the Federal Government and the Indians, or any one result that causes more damage to the Indian people than alcoholism.

I think that not only do we have to recognize its significance by splitting it off, but also that the recognition of the significance of it will lead to some kind of action on the part of the entire government.

Because if you do relegate it to a subcommittee role, as Sam said, this doesn't give it the kind of recognition it really needs. I know that just because of where I was born and raised it gives me that knowledge. There just aren't words enough in my vocabulary to say how serious this problem is, so far as the structure of Indian life is concerned.

Congressman YATES. Jim, I respect your views. I still would like an Indian opinion.

Chairman ABOUREZK. Yes.

Commissioner BRUCE. Mr. Chairman, I would like to comment on this. I feel very strongly that it must be a separate task force. The mail to me, and I am sure to the other Commission members, has been tremendous from people, individuals, tribes, and all of this.

I think that it is a real problem, that we all know, but if it is separated then it is not less important. I feel very strongly about a separate task force.

Commissioner WHITECROW. Mr. Chairman, I would like to comment on this also. My mail has certainly reflected the tremendous need for a separate task force in the field of alcoholism.

I personally am most aware of the problem that alcohol has brought to the American Indian, having lived within the Indian community all my life and having also been associated with many of the problems that the Indian alcohol programs are coming into contact with, on a day-to-day basis.

Inasmuch as alcoholism has such a tremendous influence on the progress of the American Indian, I feel that this is a most important

task force. I think if there is anything we can do to create any additional task forces, that this specific area must be established.

Commissioner BORBRIDGE. I would concur with the comments made by Commissioners Bruce and Whitecrow. I also have received mail, which is impressive, not only with the sections of the country, which have been largely scattered, and thus indicating a spontaneous recognition of the problem, but impressive in the fact that there appears to be a very positive kind of attitude emanating from Indian country—a desire to tackle what has been a problem.

We just have never had such an indication of a concerted desire to move ahead in a positive, organized fashion.

I do feel, therefore, that those who are concerned about this, do need something on which they can focus, and something which, in their view, demonstrates a recognition by the Commission that this does deserve a priority status.

I would certainly endorse that we have a separate task force for this subject.

Commissioner DEER. Mr. Chairman, I believe all of us have received a great deal of mail and communications on this. I am going back to the charge of the Commission, that is to review the historic and legal relationships of Indian people with the government, to examine the trust relationships, and from a policy point of view. I would like to raise this question.

I think we all agree it is a problem, but is it more of a symptom. I would like to get some discussion from the other Commission members on this, in terms of the basic charge of the Commission.

How we could reconcile establishing a special task force, in view of the charge of this particular Commission. I agree it is a serious problem in Indian country, but I think we do not have to examine this in light of our responsibilities.

Chairman ABOUREZK. May I ask what you mean by in light of our responsibilities"?

Commissioner DEER. The charge to the commission is to review historical and legal relationships of Indian people to the government, and so on.

I think we can all document many of the health problems and social problems. I am thinking of the millions of dollars that are spent across the country on these types of programs, and I am wondering if some of the studies haven't already been done.

Chairman ABOUREZK. Ada, if you think it is beyond the charter of the Commission, then we probably couldn't even have a Health Task Force. In other words, I think it is consistent with the charter.

Congressman YATES. I don't think that is what she is saying. I think what she is saying is that the studies have already been done, if I understand you correctly. They have already been done on the alcoholic aspects of it.

Congressman MEEDS. Mr. Chairman, if I may respond as one who voted in opposition to the creation of this special task force.

I think it is very clear that alcohol and drug abuse probably reaches almost all segments of Indian life, and while it is true that studies have been done on it. Studies have been done on everything else we are doing too. But, they haven't been done by Indians. They haven't been done under the charter of a Commission such as this and they haven't

been done, I am sure, with the care with which I hope this will be done.

I think availability of those other studies should be recognized and the input from them utilized, but a task force on alcohol and drug abuse by this Commission, should come to its own conclusions, and not be totally swayed by what everybody else found out.

That is why we have this Commission, because there are studies on all of these things but most of them are pretty inadequate.

Chairman ABOUREZK. Any further discussion?

Commissioner DIAL. Mr. Chairman, I would like to say that we support a separate task force on alcohol and drug abuse.

Chairman ABOUREZK. Lloyd, I think it might be better to do the selection at this point, on these two particular task forces.

I will entertain, first of all, a motion on the recommendation on the part of the Selection Committee that Task Force No. 8 be divided into——

Congressman MEEDS. I will pose it.

I move that Task Force 8 be divided into two task forces, Task Force No. 8 and Task Force No. 10. Task Force No. 8 to be the Task Force on Urban-Rural and Nonreservation Indians, and Task Force No. 10 to be the Task Force on Nonfederally Recognized and Terminated Tribes.

Chairman ABOUREZK. Any discussion on that motion?

Commissioner DEER. As I recall from our last Commission meeting, the Commission did authorize up to 12 task forces, right?

Congressman MEEDS. Yes.

Commissioner DEER. I would like to ask if there are any other suggestions for task forces, rather than consider this right now, unless this is the only request that has come in. I am not aware of any other ones.

Chairman ABOUREZK. I am not aware of any other ones.

Congressman MEEDS. Mr. Chairman, if I may respond. There was a suggestion that there be an additional task force beyond what we were working in, which, I assume, would have been Task Force No. 12 on housing.

We will recommend that housing be placed in Reservation Development, Task Force No. 7, and that housing also be in part of the study of the Health Task Force insofar as it deals with single-family dwellings in unsanitary conditions; that it be a part of the Nonfederally Recognized Terminated Tribes insofar as their housing aspects; and, Urban-Rural Nonreservation so far as their housing aspects.

So we have really split it in prime jurisdictions, mainly in Task Force No. 7, Reservation Development. That is the only other suggestion.

Commissioner WHITECROW. Question, Mr. Chairman. In regard to placing housing in Reservation Development, as I understand it, this will then be placing housing in probably three separate areas.

Congressman MEEDS. At least three separate areas. In fact, it might be a component of almost all of the task forces.

I again want to iterate and emphasize that we felt and do feel and we recommend that primary jurisdiction for housing be placed in Reservation Development.

Chairman ABOUREZK. I wonder if I might comment on that. It is a problem of overlapping studies in respect to housing, and I understand

that housing is affected by health, by development, and a great many things.

Would it be possible if we do that? We divide it up into two or three different task forces, to give the primary responsibility to one task force? If you want Reservation Development, that is fine, but then the Commission should give the mandate to the other task forces to deal with it, to only go into the impact of housing on health, or health on housing, and not the total housing study itself, to avoid that kind of overlap.

Congressman MEEDS. Yes; Mr. Chairman. That would be handled and controlled by the scope and jurisdiction which each of the task forces presents to the staff director and through him, to you and I.

If we ascertain that there is an overlap which goes too far, then we would say so, and disapprove that task force's scope of jurisdiction.

Congressman YATES. May I ask Mr. Meeds a question that I think iterates a very important point? That is the limitation upon the ability of the Commission to govern task forces. I would like to have an interpretation of which of the task forces would include an investigation of Indian resources.

The only one I see which could possibly include it would be Reservation Development.

Congressman MEEDS. That again would be the prime committee having jurisdiction.

Congressman YATES. What do you mean prime committee? Do you mean the committee itself?

Chairman ABOUREZK. Prime task force.

Congressman MEEDS. They would have the primary jurisdiction in that area. I might add that resources, in some instances, are being questioned with terminated tribes. It is clearly a question with Clallam's for instance.

Chairman ABOUREZK. I think it would also be a question with regard to Federal administration in the structure of Indian affairs—with regard to BIA's trust responsibility.

Congressman MEEDS. There are many places where there will be overlaps. The Task Force on Nonfederally Recognized Indians, if they came in and presented us with a scope and jurisdiction in which they conceived that they were going to have major authority to examine the resource from reservations, we would turn it down immediately and say, go back and straighten out your scope of jurisdiction.

Congressman YATES. I don't understand that, perhaps I am not as informed on the subject as I should be. If you think it is incumbent in the task force under present responsibility, it is everything. All of them come under the vast umbrella of trust responsibility. I don't think that is an answer.

Which of the task forces are you talking about protecting? Indian water rights, for example? Which of the task forces are we talking about on the leasing of mineral rights?

Congressman MEEDS. Let us just take those two very quickly, if I may respond, because you have made an excellent point.

My concept would be that the Task Force on Trust Responsibility would decide the question of how the Federal Government was responding to its responsibility with regard to resources.

And the Task Force on Reservation Development would examine the question of how are Indians utilizing their resources.

Congressman YATES. Then I ask the next question. What, for example, about the *Boltden* decision and possible repetition in other areas of the country of actions in accordance with the *Boltden* decision—whether it comes under No. 1 or No. 7?

Congressman MEEDS. Mr. Chairman, if I may respond. It would come under at least No. 1 and possibly No. 7, and also No. 4, which would be Trust Responsibility. I can think of three others right away which are going to have a piece of that action.

Congressman YATES. I just wonder whether No. 1 is ever going to come through with its responsibility. It seems to me that you have very serious questions being raised about the exportation of Indian resources and mineral resources. We are moving into the energy field, and I know that in this respect No. 1 would apply.

As I review this material on No. 1, you are dealing with trust responsibilities pretty much on a legal basis. You are dealing with it in trying to establish a framework.

That was another one of my questions. Do we establish a Task Force on Trust Responsibility until you have finished the question of the trust council which you have before your committee? Do we approve this kind of a task force before you have examined it, or do you wait until this task force is finished?

Because in my mind, that is one of the most important subjects that has to be explored. The point I am making is that we find breaking out all over the country, as I review the papers, the question of whether or not any tribes have been exploited in connection with their resources, their water rights, their fishing rights, the coal and other mineral products.

Senator METCALF. Excuse me. I am a party to the distinguished lawsuit of Buckley and McCarthy against Layhill, and with great generosity the Judge has given me 10 minutes of oral argument this afternoon and I have to ask to be excused.

I had Congressman Meeds note that I am very much concerned about the people who should be on the task forces and I regret very much that I am not going to be able to be with you this afternoon.

I would like to be heard and I am sorry that I have been going back and forth. The Government Operations Committee needed a quorum and the Interior Committee needed a quorum and I went over to make a quorum on the Senate floor.

Congressman MEEDS. Can you have lunch with us, Lee?

Senator METCALF. No; I cannot. I have to check with my consultants and see what kind of arguments they had this morning so I will know what kind of speech to make.

Chairman ABOUREZK. Lee, what task forces are you interested in?

Senator METCALF. Lloyd has my amendment. I have special interest in Mr. Iliff McKay, who is a long-time friend of mine and an Indian leader. I have a special interest in Teddy Rising Sun. As this group knows, I have suggested him before. I have a special interest in Mr. Earl Barlow, who is a member of the Montana Board of Education, he has been a teacher, a school superintendent, and he has been on the reservation education task force.

I have nominated people for the others, as you know, but those are the three that I especially have an interest and concern.

Mr. Chairman, the three major tribes in my State were omitted from the original considerations—the Blackfeet, the Flathead, and the

Crow—and some of the outstanding Indian leaders in America have come from those tribes.

I just feel that I can't go home unless those people are represented.

Chairman ABOUREZK. Lee, what I am trying to find out is if there is one task force you are interested in? We can put that consideration off until you get back.

Senator METCALF. There were three of them. I nominated people for three task forces. I don't want to put it off, I just want Lloyd to read my suggestion, and have those people in nomination.

Congressman MEEDS. They will be nominated.

Chairman ABOUREZK. Will all three of them be nominated, Lloyd?

Congressman MEEDS. Yes.

Chairman ABOUREZK. We were going to suggest you put them in now, and if you know what time you are coming back this afternoon after your argument----

Senator METCALF. It is up to the Judge.

Congressman MEEDS. He can leave his proxy with you.

Senator METCALF. Mr. Chairman, if there is a provision for proxy. Do you want me to write a proxy or would it be satisfactory for me to give you an oral proxy?

Chairman ABOUREZK. I think that everybody is here and they heard you give me a verbal proxy. Someone will be here to tell me which staff people they are, which task force members they are.

Senator METCALF. Thank you very much.

Chairman ABOUREZK. Without objection, we will recess until 1 o'clock.

[Whereupon, at 12:10 p.m., the hearing was recessed to reconvene at 1 p.m., this same day.]

AFTERNOON SESSION

Chairman ABOUREZK. The Commission meeting will come to order.

When we recessed at noon, Vice Chairman Meeds was in the process of discussing the—in fact, I think I had asked for a motion and he was in the process of making a motion. I think we will begin with that.

Congressman MEEDS. Mr. Chairman, the motion had been made. The motion was that Task Force No. 8 be divided into Task Force No. 8 and 10; 8 to be Urban-Rural Nonreservation Indians, 10 to be Nonfederally Recognized Terminated Tribes.

Chairman ABOUREZK. Is there further discussion on that motion?

Commissioner DEER. Mr. Chairman I would like to have for my own information what the reason was for the rationale?

Congressman MEEDS. The rationale was that this was such a large field that it ought to be divided into two task forces, with which I agree.

The next question was where was the logical point to break it off. Urban and rural, or you can say urban-rural nonreservation, which are really one group of people, and nonfederally recognized terminated, which are really another group of people.

In other words, the urban-rural nonreservation still may be getting some BIA services, some HEW services, some HUD services; but, nonfederally recognized terminated, do not, with rare exception, receive any of those.

It appears to be: (1) that this was so large that it was unwieldy as one task force, and (2) this was as logical a place to divide it as any other, if not more so.

Chairman ABOUREZK. Any further discussion on the question? If not, all those in favor of the motion will respond by saying "aye."

[A chorus of ayes.]

Chairman ABOUREZK. All those opposed "no."

[No response.]

Chairman ABOUREZK. The ayes have it. The motion is carried.

Congressman MEEDS. I move that an additional task force be created, Task Force No. 11, to be called Alcohol and Drug Abuse.

Chairman ABOUREZK. Any discussion? Any questions? If not, I will call the question. All those in favor of the motion will respond by saying "aye."

[A chorus of aye's.]

Chairman ABOUREZK. All those opposed "no."

[No response.]

Chairman ABOUREZK. The ayes have it. The motion is carried.

Congressman MEEDS. Mr. Chairman I will go back and take these up one at a time and answer each specific question.

I would move that the scope, jurisdiction, and methodology which I described and which has been developed by the staff in the Task Force on Organization Selection be accepted.

Congressman YATES. Mr. Chairman, is it in order to propose an amendment to a title? I must say, in all candor, I did not read the ground rules for each task force as thoroughly as I should have.

But, following on my argument this morning, where and when would it be in order to offer an amendment, for example to the title and appropriately to the jurisdiction of Task Force No. 7, titled Reservation Development.

I would propose an amendment which would read very much like the title to the predecessor task forces, which are Indian Education and Indian Health.

I would propose an amendment to the title and rules of Task Force No. 7 to read Indian Resource Protection and Development. I don't want to limit it to reservations.

Chairman ABOUREZK. What about Reservation and Resource Development, just to simplify this more?

Congressman YATES. All right.

Chairman ABOUREZK. I think it is appropriate to move. I don't think the law would preclude us from amending the title. Section 4A does say "including but not limited to," so it gives us much freedom in that fashion.

Congressman YATES. I would accept your amendment to my amendment.

Chairman ABOUREZK. Do you want to make the motion now?

Congressman YATES. Yes. I make that a motion.

Chairman ABOUREZK. What is the motion?

Congressman YATES. The motion is to change the title and the appropriate rules for jurisdiction of Task Force No. 7, to change the title from Reservation Development to Indian Reservation and Resource Protection and Development. I think resource protection is the vital question.

Chairman ABOUREZK. The motion is to change the title of Task Force No. Seven to Reservation and Indian Resource Protection and Development. Is that correct?

Congressman YATES. That is correct.

Chairman ABOUREZK. Is there any discussion on the motion?

Congressman MEEDS. Mr. Chairman, just so we have some legislative history here. I would be in favor of this so long as it does not involve legal aspects of the trust relationship, which I think should be under Task Force No. 1.

Chairman ABOUREZK. I think that has been made clear.

Congressman YATES. Oh, yes. I said in my original argument that my interpretation of Task Force No. 1 was that that was to be almost primarily a legal argument, and that the question of the individual activities of the task forces and the relationship of actual protections under each of the subdivisions would be under those appropriate task forces.

Chairman ABOUREZK. Sid, by the broadening of that scope of jurisdiction: Do you intend for the task force to look into contracts already signed by reservations for coal leases for example?

Congressman YATES. I would say, yes.

Chairman ABOUREZK. And also recommendations to tribes as to how they could best develop the resources of that land?

Congressman YATES. I remember that the Crow came before my Appropriations Subcommittee and indicated that they were unhappy with coal leases that they had signed some time ago, and they asked for funds for attorneys.

It seems to me that just as the Crows were unhappy with leases that they had signed for what they considered to be pittances, I think there

are probably other tribes throughout the West that may have the same kind of a problem.

Chairman ABOUREZK. Does anybody have any further ideas as to what this ought to encompass?

Congressman MEEDS. Mr. Chairman, we are getting very close to this question of trust responsibility. Obviously, the scope of jurisdiction of each one of these will be subject to review later, so I don't want to cast anything in cement.

But it seems to me that to examine what has been done in the past with regard to coal leases and other resources is probably pretty much of a trust responsibility question. What is done in the future may well be a resource development and reservation question.

Chairman ABOUREZK. What about the Northern Cheyenne who want to cancel their coal leases and try to make a better deal?

Congressman MEEDS. It seems to me that that is a legal question.

Congressman YATES. Which task force would it come under is what I think Jim is asking.

Congressman MEEDS. I think it would come under Reservation Resource Development.

Chairman ABOUREZK. It would come under both because the question of the Northern Cheyenne was definitely BIA, along with the coal companies at the time they signed the lease.

That is really an overlapping case, and I am not sure that there are other ones.

Commissioner WHITECROW. Mr. Chairman, may I ask a question? When we are talking about resource protection, I assume we are talking about all types of resources—minerals, et cetera.

Congressman YATES. Water rights.

Commissioner WHITECROW. And minerals, et cetera.

Congressman YATES. Yes.

Commissioner WHITECROW. Thank you.

Commissioner BORBRIDGE. Mr. Chairman, I would assume that the intent of the proposed amendment would encompass circumstances in which their is a large land base and resources, but which are not under the status of being reservation, and that this would address itself to these nonreservation based tribes or groups in the same way that the original intention was to address itself to those tribes that were reservation based.

In effect we almost have two approaches to what we call the development aspect. One on the reservation based approach; the other with respect to those that are not reservation based, but which are land based. And this proposed amendment would take care of those.

Chairman ABOUREZK. You are thinking of the Alaskan in this respect?

Commissioner BORBRIDGE. That is correct.

Chairman ABOUREZK. Does the author of the amendment intend that it preclude nonreservation?

Congressman YATES. I did not intend to preclude that at all. It was my intention out of belief that the term reservation was too limited.

It was my intention that the Indians that were not on reservations be protected as well. That is what you are addressing yourself to: Isn't it?

Commissioner BORBRIDGE. That is right. That meets my concern.

Chairman ABOUREZK. Any other questions? If not, the question is on the motion to amend Task Force No. 7's title and scope of jurisdiction.

All those in favor say "aye."

[A chorus of aye's.]

Chairman ABOUREZK. Those opposed, "no."

[No response.]

Chairman ABOUREZK. The aye's have it, the motion is carried.

Congressman YATES. Mr. Chairman, if I may ask consent to place in the record one of the records that I have received from Senator Metcalf in favor of this kind of an approach.

Chairman ABOUREZK. Without objection, so moved.

Congressman MEEDS. I would then renew my request, Mr. Chairman, for the motion that the scope and jurisdiction and methodology which I described in my opening statement, be accepted.

Chairman ABOUREZK. Is there any discussion on the motion? Any questions?

If not, the question is on the motion by Vice Chairman Meeds. All those in favor will respond by saying "aye."

[A chorus of aye's.]

Chairman ABOUREZK. Those opposed "no."

[No response.]

Chairman ABOUREZK. The aye's have it.

Congressman MEEDS. Mr. Chairman, I would move that the mandate for management study in the legislation, be placed under the jurisdiction of Task Force No. 3, and that Task Force No. 3 be given authority to commission that study.

Chairman ABOUREZK. By professional management consultant firm if necessary?

Congressman YATES. What does management study mean, Mr. Chairman?

Congressman MEEDS. Mr. Chairman, they have $200,000 to do that. It is separate and it is a line item.

Chairman ABOUREZK. Can I respond to that because I was in on the deliberations at the time the amendment was offered by Senator Bartlett of Oklahoma.

His intention was, and somebody can correct me if I am wrong, to find out, by either a volunteer or professional management consulting firm, and to determine whether or not BIA was operating as efficiently as it should be and if not, that study would make recommendations as to how they could operate more efficiently.

It was a specific line item. Is what he said provided in the legislation for that?

Is there any further discussion on that? Any questions? If not, the question is on the motion. Those in favor will respond by saying "aye."

[A chorus of aye's.]

Chairman ABOUREZK. Those opposed," no."

[No response.]

Chairman ABOUREZK. The aye's have it. The motion is carried.

Before I recognize Vice Chairman Meeds, I want to direct the staff with regard to Task Force No. 7, in line with the amendment—title and scope of jurisdiction—I will direct the staff to rewrite the scope of work outline for the task force.

And as well, to rewrite, including the management study, into Task Force No. 3 in line with the amendment we just carried out.

Congressman MEEDS. Mr. Chairman, I move that maximum salaries for task force members be set not to exceed $25,000 per annum. That all task force members salaries be the same; and for part time task force

members, their salary be set not to exceed $25,000 on a full time equivalent basis.

Chairman ABOUREZK. Any discussion on the motion? Any questions?

Mr. KICKINGBIRD. I was wondering if there are certain circumstances with all task force members salaries being the same when they are full time.

If Ernie and I could get people to work for less than $25,000: Would that preclude that?

Chairman ABOUREZK. No.

Congressman MEEDS. Mr. Chairman, I think some of these people who may be loaned from some other agencies, or who may want to volunteer, should be encouraged to do so.

Chairman ABOUREZK. Absolutely.

Congressman MEEDS. Not to exceed $25,000.

Commissioner WHITECROW. This, in itself, would not preclude bringing aboard anyone who may want to volunteer: Isn't that correct?

Chairman ABOUREZK. Right.

Commissioner WHITECROW. Fine. Thank you.

Chairman ABOUREZK. Any further discussion? If not, the question is on the motion. All those in favor will respond by saying "aye."

[A chorus of aye's.]

Chairman ABOUREZK. Those opposed, "no."

[No response.]

Chairman ABOUREZK. The aye's have it. The motion is carried.

Before I recognize Congressman Meeds, I will entertain a motion to express the Commission's thanks to Congressman Meeds for buying lunch today.

Without objection, the motion is carried.

Congressman MEEDS. I wish you hadn't recognized me for that purpose.

Mr. Chairman, I would seek the advice of the Chair and the staff at this juncture. It seems to me that those motions probably very much carry forward the suggestions of the Task Force on Organization and Selection with the exception of the naming or suggestions of certain individuals for task forces.

Do any counsel or staff feel that I should move anything else?

Chairman ABOUREZK. We need another motion. I am advised by the staff that they can pick up some interns for this summer and next summer at very low rates and I think we need to authorize that.

I would suspect that the motion should carry with it the same things as the original core staff proposal and that is the approval of the Chairman and Vice Chairman any time the staff decides to pick up an intern.

Congressman MEEDS. And notification to all the other Commissioners; and that selection will be final in the absence of objections by anyone.

Chairman ABOUREZK. Right.

Will somebody move that.

Commissioner WHITECROW. I would like to ask a question in regards to this, sir. In absence of objections of any member of the Commission with regard to this appointment by the staff, in the event we did have an objection by the Commission members, what would be the recourse or correction there?

Chairman ABOUREZK. A phone call or a letter, whatever you think is the quickest to me, or if I am not here, then to Lloyd Meeds or the staff to let them know right away.

Incidentally, if this motion carries, I want to advise the staff that everybody you talk to has to be warned that their appointment is subject to the approval of the full Commission in the manner we talked about, so they will know they are just temporary until there is no objection to them.

I think either a phone call or a letter, which ever you think is fastest.

Does someone want to move that?

Commissioner BRUCE. I move.

Chairman ABOUREZK. All right, moved by Commissioner Bruce. Second.

Congressman MEEDS. Mr. Chairman, that is under the same procedure as all of the staff?

Chairman ABOUREZK. Yes. Is there a second?

Congressman MEEDS. Second.

Chairman ABOUREZK. Is there any further discussion on that?

The question is on the motion, those in favor will respond by saying "aye."

[A chorus of aye's.]

Chairman ABOUREZK. Those opposed, "no."

[No response.]

Chairman ABOUREZK. The aye's have it.

Are there any other things we need to take care of before we go into the selection of task forces?

One thing, I don't know if this is the proper time. I don't think it ought to come under the scope of a single task force, but I think it is a central part of the report of this Commission, and that will be the history of the relationship between the Indian tribes and the Federal Government.

I think a history written by an Indian historically, and I don't think we need a separate task force, but I think that if you agree with that concept, I think we have one or two historians who we have an option of hiring, of putting on.

I think we ought to probably approve that today to get it going. I want to make a distinction that each task force, for example, let's take the Indian Health Task Force; the scope of work of that task force will require that there be a history included in their report, a separate report on the history of Indian health from the beginning of Indian and Federal relations.

But that would be a specific history. What I am talking about is a general history of all relationships, contacts, whatever, to the extent that we can do so, between the tribes and the Federal Government. Not as detailed as an Indian health history might be, but an overall, general, political history.

That is what I had in mind. I would like to entertain a motion at this point for that.

Commissioner DIAL. Mr. Chairman, I make such a motion.

Chairman ABOUREZK. That we authorize the hiring of a historian?

Commissioner DIAL. Yes.

Commissioner WHITECROW. Second.

Chairman ABOUREZK. Is there any discussion on that? Does anybody have any ideas about how it should be done?

Congressman YATES. Shouldn't we set a budgetary limitation?

Chairman ABOUREZK. We should do that too.

Ernie, have you talked to any of the people like Darcey McNickel? What kind of money are we talking about?

Mr. STEVENS. He didn't talk about that, he just said it was a negotiable item.

Congressman YATES. Could this be deferred to the next meeting then?

Mr. STEVENS. We could negotiate it with him and ask.

Chairman ABOUREZK. Can we pass the motion and leave the price to the next meeting, so we can have an official——

Congressman YATES. Suppose he has a big price?

Chairman ABOUREZK. We are not going to hire a specific person. Let's move to have the historical project done, with the cost of it being deferred to the next meeting, that is what I am asking.

Congressman YATES. All right.

Congressman MEEDS. Mr. Chairman, why don't we just put our normal prohibition, not normal but one we have used in other instances, not to exceed $25,000 per year?

Chairman ABOUREZK. All right. Then if we can't do that, we will have to come back for further approval.

Should we do it that way, just authorize the position, and then we will fill the position and the salary at a future meeting.

Commissioner DIAL. I would like to include that in my motion.

Chairman ABOUREZK. All right. Is there a second?

Commissioner WHITECROW. Second.

Chairman ABOUREZK. Is there any further discussion on the motion? If not, the question is on the motion. All those in favor will respond by saying "aye."

[A chorus of aye's.]

Chairman ABOUREZK. Those opposed.

[No response.]

Chairman ABOUREZK. The aye's have it. The motion is carried.

Does the staff have any other items of business that we ought to take up before we go to selection?

Mr. STEVENS. Not related to the task force?

Chairman ABOUREZK. Yes, not related to the selection of the task force.

Commissioner DEER. I would like to ask a question as to how we are publicizing this. Maybe there are some historians we are not aware of who might be interested in this. I think we should get as wide a publication on this as possible so we get a number of qualified people interested.

Chairman ABOUREZK. I agree. I will direct the staff to contact the American Indian Press Association and all known Indian newspapers, to put out an announcement that we are looking for someone to do that.

Any further business before we go to selection?

Mr. KICKINGBIRD. I have submitted a memorandum and I believe it has been handed out. It has suggested a proposed amendment related to franked mail. I believe I brought it to your attention earlier.

Along with it I handed out a miscellaneous list of powers provided the various Commissions.

The thing that is probably most useful to us would be a specific provision and amendment to accept voluntary, uncompensated services—which is number eight on the list.

Chairman ABOUREZK. Do we have that already?

Mr. KICKINGBIRD. I believe there are some general statutory prohibitions against accepting it.

Chairman ABOUREZK. Should we include that as an amendment to the act?

Mr. KICKINGBIRD. I believe both these items should be an amendment to the act under the powers of the Commission.

Congressman YATES. Mr. Chairman, may I suggest the following procedure. That we take the Indian Claims Commission Authorization and Appropriation, and when we pass it in the House, send it over and have you on the Senate side tack on these minor amendments with regard to this Commission—their franking privilege and voluntary contributions or something like that—and send it back to us. I don't think we would have any problem getting it accepted in the House because they are pretty technical.

Chairman ABOUREZK. I will direct the staff.

Congressman MEEDS. It will be noncommittee but we can have a separate vote on it.

Chairman ABOUREZK. I will direct the staff on the Senate side to contact the Indian Affairs Subcommittee staff and notify them of that. Frank is here so he already knows about it.

We will get the proper language drafted.

Mr. STEVENS. Mr. Chairman, the other item from as near as I can figure out, the Commission intended to get people assigned to the Commission from various agencies, and through a technical prohibition related to Senate rules, we must reimburse them.

It seems to me that we can get a lot of free services, and that was the original intent, so we need that amended so it will allow us to do that.

Chairman ABOUREZK. Kirke, when you talk to the legislative counsel, will you include that as an amendment as well?

Any other ideas at this point we ought to include. Any other prohibitions we can get around.

I might say while we are thinking that the staff has copies of the transcript of the last business meeting. If any member wants to look at it and make changes or whatever, you are welcome to do so. Ernie has them here.

I think that would be a better procedure than to try and read them and approve them each time. I think if there is any interest in doing this, go after it.

Commissioner BRUCE. Mr. Chairman, may I ask the staff a question? We did talk about this credit card thing, but I have one other Commissioner who is using my own personal credit card.

It's a John Borbridge telephone kind of thing. John might want to call me or Jake or whatever. There ought to be a procedure for that sort of thing because it is expensive.

Chairman ABOUREZK. Is there a credit card issued to the Commission?

Mr. STEVENS. Not yet sir, but we could arrange for it.

Chairman ABOUREZK. As soon as you do, secretly release the number to each of the Commissioners. I don't think you have to send it to the Congressional members, because we all have our own telephone consoles and WATTS lines and so on. But I think the non-Congressional members should appreciate that.

What about the travel? Are we handling that okay? Travel expenses.

Commissioner WHITECROW. It seems a little bit slow, Mr. Chairman. I don't know what the situation is, but I know we do have some problems here.

I understood from the first meeting that there was a possibility of getting checks out in 2 weeks, and it was almost 5 weeks.

Chairman ABOUREZK. Is there a way to get airline credit cards for each of these Commission members, the non-Congressional Commission members? A general airlines credit card.

Mr. STEVENS. Mr. Chairman, related to what Mr. Whitecrow and yourself have said, could I have Ray Goetting explain these matters?

Chairman ABOUREZK. Before he does—there is a way we handle travel in my office. We are connected with a travel agency with the understanding that they have to wait a little while for their money and they like it.

For example, when John Borbridge gets ready to travel down here or anywhere on Commission business, if he would call this travel agency and have them have a prepaid ticket waiting for him whenever he wants it. It is a pretty simple procedure that doesn't cost the government one more penny than ordinary. And I think maybe that would be better than a credit card.

Mr. GOETTING. That is the way we do it, Senator. The problem we find in the Disbursing Office in the Senate is the fact that we have had some absenteeism and are about 2 weeks behind in the processing.

The other day we arranged for a total submission twice a month, rather than the way we had been doing it. They will handle it all at the same time after every meeting. So we hope that will speed it up.

Chairman ABOUREZK. Can I suggest the travel agency thing? If that doesn't work, we will try to make other accommodations.

Mr. GOETTING. We have been doing it that way and I don't think there is any problem.

Commissioner DIAL. I would like to say that it has its weak points because one day I showed up at the airport and I was supposed to have a prepaid ticket. I didn't have one. I would just like to say that this Capitol Hill Travel Agency is not perfect.

Chairman ABOUREZK. Could you, in your home town, pick a travel agency that would agree to do that?

Commissioner DIAL. I travel a lot and I never fool with travel agencies. That is a general policy of mine.

Chairman ABOUREZK. All right. Any other items?

Commissioner BORBRIDGE. Mr. Chairman, in light of comments by the Commisioners and Mr. Goetting's comments on how he intends to handle this: I know that I have incurred problems when I have left even just several days prior to the actual schedule.

Will we be able to have your suggestions carried out by staff with respect to travel agencies authorized to handle our travel, Mr. Chairman?

Chairman ABOUREZK. You mean some ideas as to which agencies are the best?

Commissioner BORBRIDGE. No. Primarily your idea to have this handled by agencies given authorizations implemented now, then I have no problems. Is this going to be the way we will handle it now?

Mr. GOETTING. This is the way I am handling it now.

Commissioner BORBRIDGE. In that case, I don't have any problem. I would like to have travel arrangements made earlier. They are not being made soon enough.

Mr. GOETTING. All right.

Chairman ABOUREZK. That will be your area from now on—that particular administrative thing?

Mr. RICHTMAN. Yes.

Chairman ABOUREZK. That will leave Max Richtman to deal with the non-Congressional members with regard to specific—you know how to do it. I am sure you have handled it for Sid.

Any other specific items?

Commissioner DEER. I notice on the agenda: There is no mention of the NTCA suit.

Chairman ABOUREZK. We can either discuss it now or wait until after the selections, whichever is the will of the Commission.

Commissioner DEER. I would think that would be a shorter item than the selections.

Chairman ABOUREZK. Is it the will of the Commission to bring up the lawsuit now?

Ada Deer has moved that we talk about it now. Any second?

Commissioner WHITECROW. Second.

Chairman ABOUREZK. Without objection, we will talk about the NTCA lawsuit. We would like a brief report from our Counsel.

Mr. KICKINGBIRD. Do you have a copy of the memorandum? It would be on Commission letterhead.

This highlights our contact with the Department of Justice. One of the things that Mr. Paul Pittle has advised us that it has been referred to Wallace Johnson of the Land and Natural Resource Division of the Justice Department.

One of the things that they wanted to know is while there is statutory authority for them to handle lawsuits against the Members of Congress, he just wanted to make sure that since we are a legislative agency, that it was our desire.

I was also talking to Irene Margolis, who is staff director of the Separation of Power Subcommittee. She has been our contact with the Justice Department. She was concerned when I talked to her yesterday that it was her understanding in talking with Justice Department representatives, that Senator Hatfield and Congressman Steiger have not sent letters asking for representation. But it is something we can follow up next week.

Congressman STEIGER. I can't speak for Senator Hatfield, but I thought I would wait and see how deep we were buried in oil and then take appropriate action.

Chairman ABOUREZK. May I interrupt, Kirke? If I am not mistaken, there is a legal distinction between Congressional and non-Congressional members of this Commission, in that the Constitution says that Members of Congress shall not be required to answer in any other place for an official act. Which means that legally and technically the Congressional members of the Commission don't even have to respond to the lawsuit. They are immune from it.

The question really is the Indian members—the non-Congressional members. And I just want to speak as the Chairman of the Commission. One way or the other, they will be represented.

Mr. KICKINGBIRD. One thing that was brought up as part of the argument is that they are inappropriately named and appointed as Officers of the Government by Congress.

They are not officers in the technical sense of constitutional officers, but fall into the category of agency employees of the United States.

One of the things that Pittle was asking, that we haven't expressed, was whether or not we wanted to follow and have the Justice Department represent the Commission and any Commissioners or whether we would desire to seek a resolution from Congress, giving permission for either myself or special counsel to represent the Commission and the individual members.

Chairman ABOUREZK. I think that I might bring up as well that, just as a matter of principle, I am carrying on discussion with the Justice Department now, and the issue is whether they ought to defend us or not. If Justice chooses not to defend us, I might just sue them to require them to do that.

I have another lawsuit drawn up on this *Buckley* v. *Valeo* suit, because they refuse to defend the Election Commission. We have got the intervention pleas already drafted to try to force them to do that.

Congressman MEEDS. I see no reason why the Justice Department should not, with alacrity, undertake our representation. I think that with strong letters, not only from Chairman Abourezk, but the Congressional members of this Commission, and with a deadline, which I think we should set so as to have an answer in the proper time, that we determine if they are going to defend us or not, or represent us or not.

If not, then we have our own counsel enter an answer at least, and prepare and take the steps which are necessary, so there is no requirement of out-of-the-pocket expense for any of the Commission.

Chairman ABOUREZK. I guess we can pretty well assure that.

Mr. KICKINGBIRD. One of the fortunate things about the Government being defendant is that you get 60 days in which to answer, so we have a couple of days.

Chairman ABOUREZK. What is the deadline?

Mr. KICKINGBIRD. July 20 for our answer.

Chairman ABOUREZK. That is for everybody?

Mr. KICKINGBIRD. Right.

Congressman STEIGER. Mr. Chairman, I have yet to determine who is the counselor of record for NTCA?

Mr. KICKINGBIRD. The law firm is Winston & Strong, of Washington, D.C., and the specific attorney is a Mr. Fontana.

Congressman MEEDS. Mr. Chairman, I would clearly like to make inquiry as to where the funds for the NTCA suit is coming from.

Chairman ABOUREZK. I think we will learn that in the discovery procedure during the course of the suit, if we don't learn it through other avenues.

In fact, with the permission of the members of this Commission, I would like to take an active part in the defense of this lawsuit. I haven't argued a case in so long, I would like to get back into it.

Mr. KICKINGBIRD. We have also received—I have excerpts from two of the letters from Attorney Sonosky and also from John Borbridge's attorneys. Those are included in our handout materials.

One of the factors that we are learning about here is that a number of tribes have not been informed of NTCA's action, although they are included as members of NTCA in the attendant documents. Some tribes have sent telegrams and some have written letters to the same effect.

Chairman ABOUREZK. The Cheyenne Eagle Band Tribe in South Dakota—the chairman called me and knew nothing of the suit at the time I talked to him.

Also, John Borbridge has sued himself. He is both a plaintiff and a defendant.

Commissioner BORBRIDGE. I want to comment, Mr. Chairman, that we intend to win on one side. More seriously, if I may, the precise point to which you allude has bothered not only myself, but actually representatives of the various regional corporations in Alaska who are members of NTCA.

I certainly can, without any reservations, state that we were in no way consulted with respect to the consideration that was being given to such litigation.

However, although there is currently in the record a letter from Mr. Richmond Allen of the firm of Weissbrodt and Weissbrodt, who is in effect representing me at preliminary, I do intend to have a more comprehensive indication which will be inserted in the record at a later time.

Mr. KICKINGBIRD. One of the more interesting aspects of the suit is the fact that NTCA seems to contend that it has been delegated some of the tribal sovereignty of the member tribes.

I think the cards, letters, and telegrams that are coming in will make them aware that they are mistaken in that fact.

Chairman ABOUREZK. Is that one of the allegations in their complaint?

Mr. KICKINGBIRD. Yes, sir.

Chairman ABOUREZK. That sovereignty of some tribes has been delegated to the organization?

Mr. KICKINGBIRD. Yes sir; that is essentially their argument.

Chairman ABOUREZK. As you know, they have to prove every allegation they make.

Mr. KICKINGBIRD. One of the things about their bylaws is that they have a vote, and it is becoming apparent to the correspondents involved that they have not been delegated authority to even initiate the suit.

Congressman MEEDS. To bring this thing to a head: Can I move that we set the deadline of July 1 as the time to determine if Justice is going to represent us? And if not, after that time our own counsel would be empowered to undertake such steps as are necessary to assure that we are adequately represented.

Chairman ABOUREZK. There is one problem, and that is that we are in recess on July 1.

But I suggest that we make that following the Congressional recess. How about July 10? That gives you 10 days, and all you have to do is prepare a denial.

Congressman MEEDS. Counsel would be in a better position to answer that.

Mr. KICKINGBIRD. I think that would be comfortable enough. We have to take a number of steps to make available materials that the Justice Department would want to use in representing us in any event, and we will have that available, so it shouldn't create any burden on us.

Congressman MEEDS. Then I move that we accept it for July 10.

Chairman ABOUREZK. Is there a second?

Commissioner DEER. Second.

Chairman ABOUREZK. The second has been heard. Any further discussion? The question is on the motion. All those in favor will say "aye."

[A chorus of aye's.]

Chairman ABOUREZK. Those opposed, "no."

[No response.]

Chairman ABOUREZK. The aye's have it. Motion is carried.

Does that settle the discussion on the lawsuit? Does anyone want to talk anymore about it before we move into selection of task force members?

OK, there being no further discussion, we will go into selection. Congressman Meeds.

Congressman MEEDS. Mr. Chairman, the reason for the creation of the Task Force on Selection was precisely that; selection for presentation to the Commission of names of those who the Commission want to fill the positions on the task forces.

Let me say at the outset that we are functioning more or less as a nominating committee. That is to say, only for the purpose of bringing names before the full Commission. We, in no way, felt that our suggestions should be binding upon the full Commission, but should be voted by the full Commission.

In all instances where we have reached consensus, that is to say that all of us agreed, we have commissioned someone to call and inform that person that they were under consideration for nomination. We could not assure that they would be ultimately selected, but before we finished the process in which we were involved, we wanted to know at least, if they would accept the work.

To my knowledge that has been done in all of the instances where we did have consensus.

Again, we have only entered suggestions for some task forces, not all of them. We have nominations for one, three, four, and nine; and some others either individual members of certain task forces or all members of certain task forces.

I might say that in this process of consensus, we did fill at least one, three, four, and nine with at least three positions. The Chairman contacted me after that and suggested that it might be advisable to name more people so there was a wider selection by the entire Commission.

We have done that, Mr. Chairman, through separate telephone calls to the other two Commissioners on the task force. We were advised that it would be in order to bring forward two more names. In those instances where all of us have done that, those will not be consensus, or unanimous suggestions.

Nor do we, by doing that, in any way intend to limit the nominations. It is our hope that people will want to make nominations right here on the Commission, and we don't want to limit that in any way.

So, with those prohibitions and illustrations and explanations, I would like then to move to the consensus nominations of the first task force—Task Force No. 1.

The Commission reached consensus on the following: Vine Deloria, Mel Tonasket, Barbara Lane, and alternates, Doug Nash, and John Echohawk.

Chairman ABOUREZK. Are you talking about Task Force No. 1?

Congressman MEEDS. Task Force No. 1.

Then let me explain. Thereafter, a problem developed and it was advisable to change that lineup somewhat with Task Force No. 3. Thereafter, through telephone calls with the other two Commissioners they were advised and they consented to moving Mel Tonasket to Task Force No. 3.

We then had Vine Deloria, Barbara Lane, Doug Nash; and John Echohawk for Task Force No. 1.

Commissioner DIAL. Was Oren Lyons on this?

Congressman MEEDS. Oren Lyons was suggested by the staff and others, and will be, I am sure, one of the nominations. But somehow, as far as I know, there is no consensus.

Chairman ABOUREZK. Would you repeat that?

Congressman MEEDS. Vine Deloria, Barbara Lane, Doug Nash, and John Echohawk. This is for No. 1.

I would then place those names in nomination.

Commissioner DEER. I have a question regarding our procedure here.

Chairman ABOUREZK. Go ahead.

Commissioner DEER. As you know, we made some mention during our breaks this morning about the way in which we would do this.

It was suggested that we possibly have an executive session, perhaps an informal session, so there will be some way in which we can discuss the individual persons on these task forces with some degree of confidentiality and perhaps discretion.

We will be talking about individual qualifications and personalities. I think that before we do move into individual task forces and individual nominations we should get this decided.

Chairman ABOUREZK. About what do we——

Commissioner DEER. For example, I would like to know how many people were considered for each. I realize we have this xerox and we didn't get much information ahead of time, but I think the heart of the Commission will be the people who are appointed to the task forces.

I think we do need to proceed with this with all deliberations. I, myself, would feel more comfortable in having more basic information.

For example: How many people did actually apply for the task forces? What were the criteria that people were selected for? These kinds of things.

Chairman ABOUREZK. All right. Let's do that now, before we go on to acting on this motion.

By request of Commissioner Deer: Can staff and Lloyd Meeds explain?

While you are going to vote should we have that discussion?

Congessman MEEDS. Sure. You can have the staff do it.

Chairman ABOUREZK. We won't do any voting on anything until you get back.

Congessman MEEDS. Why don't you explain the whole procedure we went through in getting requests.

Mr. STEVENS. I think the method we used to acquire candidates is in the Director's Progress Report.

In other words, that is the method that we used. When we called and we notified various organizations, we also sent them a copy of the additional application that we required.

There were people who just sent applications in, organizations that forwarded them, or there were people who hand carried them to us. We then sent additional forms and additional requests to each one of the candidates. I believe you have some copies of some of these applications that were forwarded back to us.

Ideally, we tried to get a one-page application form, which I think you have copies of, and we also asked them for one-page summaries. In addition to that, many of them gave us standard résumés and also written material.

Chairman ABOUREZK. May I ask, Ernie, when people applied for a task force, how many of them designated which task force they want to

be on? How many of them said they would take anything? Do you have a rough breakdown?

Mr. STEVENS. I don't know the exact breakdown. I'd like to make an estimation. It seems to be a misapprehension on someones part that a minimal amount of people have been considered, and I think that just right out of hand I would say that over 150 were considered.

Chairman ABOUREZK. For how many openings altogether?

Mr. STEVENS. For the positions that we have gone through so far.

Chairman ABOUREZK. There were 150 people considered for 15 positions?

Mr. STEVENS. Yes, sir. One of the problems was that many people put in for more task forces.

For instance, here is one of the sheets that was used. I believe you have one in front of you that lists everybody. One of those was provided to the Committee. It was hand-written but it was the same thing.

We also, for their convenience, gave them a list of these people. We didn't give additional information, because it was an overview of the one in front of you that gives information.

You can see that on Task Force No. 1, there are approximately 30 applicants. We did not consider people, and, as you can also see, kept an account of who was recommended for what by organizations, by individuals, by Congressmen, by Senators, by anyone who pleased to recommend somebody.

We have continued to maintain that, even over last week—because we moved—and in some cases they are 6 or 7 days late. So we have continued to add them to the list.

In some kind of anticipation that you are probably not going to finish this, we are going to continue. Of course, you would have to rule whether or not we could open it up for your next meeting if we have additional candidates.

In addition to that, we have all the applications presented to Congressman Meeds' office. Anybody who wanted to pull one of them, we have them by file and we have some of those here and the others are over there.

We can get down to exact numbers. There are 221 names on the master list.

Chairman ABOUREZK. That is everybody who has applied for it?

Mr. STEVENS. Yes, sir. We have it in alphabetical order. That is applied or recommended.

Chairman ABOUREZK. Did you consider all 221 names in going through these selections?

Mr. STEVENS. Well, sir, that was up to the subcommittee.

Chairman ABOUREZK. Did the subcommittee consider all of them?

Mr. STEVENS. Yes, sir.

Commissioner BRUCE. Mr. Chairman, may I make a comment. I have lived with this list, slept with it, and dreamt about it. I have been very much concerned about it because there are so many good, qualified people who did apply.

As much as possible, I have reviewed every single one, and if I didn't know who they were, I sought information from many others. In fact, I spent a lot of time on this.

I am not satisfied with the nominations really. Let me just say one thing, that the National Congress of American Indians sent us a list of recommended people, which I thought was the closest to being com-

pletely nonpolitical, and spread out over the full area of the country—including Alaska. And a very thorough job was done by them. I don't think we had enough suggestions from our own Commissioners, and that may have been a lack of understanding on their part.

Let me say that I personally have done a lot of research in this, and maybe I shouldn't have because maybe I wouldn't be questioning. I am having a real problem because we had some people who had tremendous backing from tribes and individuals and so on.

I would say that we have here about 70 nonlisted names of people who have called in; as late as 1 o'clock last night and as early as 6:30 this morning. They didn't have time to get their applications in and they wanted their names considered on the list.

Chairman ABOUREZK. Fortunately, we have several task forces to fill even after this.

Commissioner DIAL. Mr. Chairman, a correction on Mr. Bruce. He said that Adolph hasn't been here. I believe I have spent about 12 days here. I just wanted it on the record.

Commissioner WHITECROW. Mr. Chairman, I would like to enter into the record this particular comment. I think the selection of nominees for the various task forces is probably one of the most important aspects that we have at hand.

I think all of us are genuinely knowledgeable about the fact that the work that comes from these task forces is going to have to be something that is purchaseable by the tribes; something that they can live with; something that they can certainly give support and lend their future actions to.

In this regard, I would like to also mention the fact that I have received comments from people, from various Indians throughout the Southwest, asking that they be given further consideration to have an opportunity to serve in these capacities. This, of course, is not saying anything detrimental in regards to our Washington, D.C., based Indians.

But the fact that they constantly reiterate the fact that it seems as though any time anything comes up, that our people that are based in Washington, D.C., are given first selection.

In this regard, we would like to remind the Commission that we have an awful lot of highly qualified Indians out in the field that may not have submitted their applications. We would certainly want to be absolutely sure that we do give sincere consideration to selection for these task forces.

Chairman ABOUREZK. That is a good point, Jake. The Commission was nearly totally picked from outside the Washington area, and a large part of the staff. Kirke and Ernie are probably the only two staff members that live here. Is that correct?

Mr. KICKINGBIRD. Yes.

Chairman ABOUREZK. In addition, looking over these selections here, the overwhelming majority are from outside Washington, D.C.

I agree with your concept. I think you are right. We know best the Indians who have lived here, those of us in Congress, because we see them all of the time. There are a good many more qualified Indians throughout the country.

I think that this list pretty well reflects that, if I am not mistaken.

Commissioner BORBRIDGE. Mr. Chairman, I would like to comment and concur generally with concerns raised by Commissioner Jake Whitecrow, in that I regard this too as one of the single most important

tasks in which we will engage—that is the selection of the task force members.

I certainly would go on record as appreciating the pressures under which the staff may have met some difficult situations, including preparing this paper and material. It is very difficult to entertain, in a conjunctive manner, the material, résumés and the like, which accompanied some of your recommendations which have been made with respect to the various task forces.

Whether the answer is a short recess to enable us to go over the material, to ask one another questions, I am not certain at this point.

I think there is a definite relationship too, Mr. Chairman, between the various task forces and it may be that ultimately the one procedure may be to discuss each of the recommendations in the five task forces which are presented to us, and then go back and start at Task Force No. 1 and act on the various recommendations, so that we can make the appointments to the task force membership.

But there is no question that we, as a Commission, seek to fulfill an almost impossible task of assuring the Native American country that they are represented on the Commission.

I feel the same charge is before us with respect to various task forces. Even if it should, in fact, mean that for the rest of the day we accomplish no more than to give serious detail and attention to the task before us I would certainly recommend that we do that.

And to take whatever steps—whether it is recess, or executive session, or breaks—just so we can comfortably discuss and exchange these matters and information.

Chairman ABOUREZK. There is nothing legally prohibiting us from going into executive session if that is what the Commission wants to do.

Executive session may provide a greater flow of discussion and we might be more open about discussing the qualifications of different people that way.

On the other hand, there are some political limitations of what we can do by way of closing up our sessions. Although if we did it because we wanted to avoid personality discussions at that time.

So I would ask for more discussion on this point.

Congressman MEEDS. Mr. Chairman, I think informal discussion that may have occurred prior to this time might be useful, but I think it would be a very serious mistake for this Commission to go behind closed doors to make selections for these task forces.

I very much dislike disagreeing with my fellow Commission member, Ada Deer, but I have now served in the Congress for 11 years. During most of that period of time, some committee sessions, almost all markup sessions, and all House-Senate conferences which I attended were in secret.

The information and decisions which were arrived at at those so-called secret" meetings always got out anyway, and it was generally distorted. So, the purpose of secrecy was not really gained by having a secret session.

But even more importa[illegible] how serious it may be, I don't know, we are under threat and actua[illegible] by the NTCA right now for what? For not arriving at our decisions based on merits, right?

If we go behind closed doors and arrive at some decisions you can be sure that it is going to be received that they were not arrived at on merits.

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Whereas if we make our decisions right here in front of God and everybody, if somebody doesn't believe that they were arrived at on merit, they can look at the record, and there it is.

I know that this is, in some instances, painful, and I know that it can cause some problems for some people, but I think an open session is the best way we can convince the Indian people of this Nation that we are serious. They may not agree with our selections, but they must agree with our methodology.

The only way that we are going to convince them that we are serious is to make these appointments in public and to either vote them up or down—based on merit and nothing else.

I think that is the only way—full open discussion and selection. It is the only way that the decision can be perceived to be made on merit.

Commissioner DIAL. I have a tendency to concur with Congressman Meeds. I spent hours looking over the applicants, many of them I know, many of them I do not know. Many of them have recommendations from outstanding people with whom I am acquainted, and I am willing to make my vote and let my record stand as it is, or as it is going to be.

Naturally we have problems here because we have many, many well-qualified people. We have several people with Ph.D. degrees, and attorney after attorney. It is amazing.

I was pleasantly surprised to see that we do have so many people in the Indian world who qualified to do an excellent job. I feel that when all our votes are in and the selection is made, that we are going to come up with the best people and we will have a good task force and they will be able to work with our staff and get moving here.

Commissioner BORBRIDGE. I think with respect to how we approach this—the point I am making is, not that the motion for an executive session has been put forward, but rather I am not in the least bothered if we spend the rest of the day on one task force to insure that we make the kind of appointments that reflect the best considered judgment. Now that we have had the opportunity, or are in the process of having the opportunity to review some of the nominations, I would consider that it would be very appropriate to consider, for example, that some of the backup materials and résumés were put in our hands about 10 minutes ago.

That, in my view, does not constitute considered judgment. It does not constitute a full opportunity to review that.

It may be that someplace here, while we are in the process of clarifying how we wish to proceed, there will be an opportunity to hurriedly go over this. I don't like having in the record the fact that I hurriedly went over this without an opportunity even to adequately review the packet of materials.

It should have been in our hands at an earlier time. Unfortunately it wasn't and it is to this fact that I now address myself in terms of time, be it no more than a few moments to read it, I think this would be appropriate.

With respect to discussion, I am very much in favor of any and all discussions taking place on the public forum. I think this would certainly insure the confidence and support of the Indian American community and our credibility with them, which is essential to our success.

Congressman MEEDS. Is there any further discussion? Is there a motion before the group? The Chair might suggest that I can discuss some of the individuals, I can't discuss all of them.

I would also like to point out that I think it is essential that we make selections for task forces one, three, four, and nine, because if we are going to get those launched by July 21, we should get them appointed.

Do we have another meeting on the 11th. That would be a little late to get in touch with them and tell them that they have been selected and ask them to get underway by the 21st.

Commissioner BORBRIDGE. Mr. Chairman, can we work our way down the list and ask staff and the Commissioners everything they know about the individual?

Congressman STEIGER. Mr. Chairman, I would like to be heard on this. At the risk of seeming abrupt on this, I suspect that there is nobody on this list that someone doesn't have any knowledge about. If there is a specific question, because somebody is either a complete stranger or not, maybe we could address it.

I would hate for the Chairman to go through a ritual of discussion about a person that most people have an opinion of. One of the purposes in having a subcommittee is to expedite this process and get the task forces under way.

To delay for the sake of appearances is very offensive to me. I think any Commissioner who is interested in this matter and has got some questions should obviously have some answers, but just to delay, it seems to me that we are repeating the efforts of the subcommittee if we recite all of the qualifications of all the members.

They have done a good job. In fact, at this point, I would like to have the record reflect that this Commission is grateful to NCIA for the very good job that they did, not only in offering a list of people, but offering it in such a way that we could really make a value judgment based on their qualifications.

I think that the subcommittee has done much the same. My suggestion sir, is that I hope you will go down the list and approve those as long as there is no question and on which we assume knowledge on the part of most of us. On those where there is a question, we discuss it.

I would hope that we don't leave here this afternoon without appointing at least the five task forces.

Congressman MEEDS. Mr. Chairman, may I suggest the following procedure. That we go through the task forces, at least one, three, four and nine, and that we go down the members and accept all those on which there is unanimous consent.

Chairman ABOUREZK. Can I modify that suggestion? Have we decided that we are not going into closed session? I assume that we have decided that pretty much. Let's decide that first.

Commissioner DIAL. Mr. Chairman, I move that we have an open session.

Chairman ABOUREZK. We don't need a motion for that. Let me put it this way procedurely, if Ada wants a closed session, she has not yet made a motion. She only threw it out for discussion. She has not yet made a motion.

I will ask now. Is there a motion for a closed session?

All right, then we can go right on. We are going to have an open session.

My suggestion would be, and this is perhaps a suggestion that was made while I was out of the room, that we just meet this thing head on. I think that even if we are going to hurt somebody's feelings, at one point or another, we are all adults and I think we should just take it on and not delay the selection.

I don't think we ought to delay it just because we don't want to talk about one of the selections at this point. I think we ought to go through it.

I don't have to remind anybody that we have a limited amount of time to pick these people, and I just think that we ought to get on with the job.

Commissioner DEER. I would like to ask Congressman Meeds: Could we list the criteria by which the subcommittee made the initial nominations? I think that it is important that we understand this.

Chairman ABOUREZK. Ada has directed a question for you. What was the criteria that you and your subcommittee used to make the initial recommendations?

Congressman MEEDS. Mr. Chairman, we took, first of all, the procedure which the committee had established and which I assumed they explained while I was over voting, about having the background of all the people. Then we made suggestions and discussed them for the various task forces, trying to pick the capabilities and the potentialities of the people to be selected for those task forces in which they would be most capable.

The same type of criteria I guess you would use in nominating people for almost any office. Then, if there was disagreement, we went to somebody else. One of the other Commission members, myself, or the staff, made suggestions as to certain people, and then we, in effect, voted on them and brought them here as nominees.

I would say that capability was the prime criterion.

Commissioner DEER. Could I ask: Was there any additional consideration given to nominations by, let us say particular tribal groups or inter-tribal groups? I am trying to get at what credence was given to the nominations of NCAI tribal councils or whatever, as compared to a nomination by a particular individual.

Congressman MEEDS. I can only speak for myself. I depended most heavily upon my own knowledge of certain people in the Indian world; very heavily upon my staff, Mr. Ducheneaux, Miss Hunt, and those people; and took into consideration from the standpoint that it might be politically wise to make appointments where NCAI and I agreed.

I put no special credence in their suggestions other than the fact that they do know the Indian world, and where my knowledge and theirs happened to coincide, I agreed with them.

We did pay attention too, I think, to geographic locations and tribal representation. Althought I must say the first and basic criteria with me, was how capable is this person, not his or her tribal membership or geographic location, but how capable.

Chairman ABOUREZK. I think we are going to have to recess now for 10 minutes, or do you just want to keep talking?

Commissioner BRUCE. We are talking about qualifications. I think the thing that really bothered me personally, was the fact that I looked at our position as individual Commissioners on this Commission, and looking down the road in years to come as to the type of jobs we wanted done by those people.

The importance there is that they do have some tribal connection, they do have some tribal experience, they do come from reservations, and that they can write.

After all, we can sit around and talk, all of us, and I can't write. We need more than that. Somebody who drives ahead to get the informa-

tion and bring about what we want acccomplished on each individual task force.

That is what made it very difficult. All of those factors were involved in my suggestions.

Commissioner DIAL. Mr. Chairman, I would like to say for myself, right along the line with Congressman Meeds and Commissioner Bruce, that some of these people, I know their reputation.

Just take Vine Deloria as an example. I just said that I was serving on the Commission and I don't know this man. So a man who has worked behind him, you know right off if you want to support this kind of man or not.

It is not a matter of if he has a steady record. I ought to know his record. I have been knowing it for some time.

Now, I could use another example of a girl that I didn't know and I just said no. But then I looked at her record and I saw here was a magna cum laude at Harvard, and this résumé looks wonderful.

Later I discovered that she is the daughter of an outstanding well-known leader in the Indian world.

This is the way I made my judgment. I believe that all of us know more people than we have task forces for. So it is really a big problem. It is a big task.

Chairman ABOUREZK. Any further discussion?

Commissioner DIAL. I would like to say that Congressman Meeds mentioned Task Forces No. 1, 3, 4, and 9. On this list, we also included BIAF, and I think we should include BIAF today.

I look at a nominating committee to nominate and the floor is always open for nominations. I do not see a problem. I have no objections if 25 names are nominated for each task force.

We have a job to do, and we came up with some names because you wanted us to come up with some names for some nominees, study the records, save the entire Committee some work, save them some research. If you had an input in the meantime, make your contact, and operate that way. That is all.

Chairman ABOUREZK. Thank you. Is there any readiness on the part of the Commission members to start discussing selections on the task forces? Are there any other questions?

Commissioner DEER. I am just going quickly through the list here and I don't see, at least on this list, any nominations from NTCA. Did they give us any?

Chairman ABOUREZK. They are giving us recommendations that we should go out of business.

Mr. STEVENS. They didn't recommend anybody. We asked.

Commissioner WHITECROW. I have one question with regard to the people who are recommended on Task Force No. 1. I am assuming that staff did contact these people, those who were fully employed, to determine whether or not they are going to have enough time to devote to the job.

I know, in looking over this list, that some of these people are full-time employees in outstanding positions—positions of great responsibility. Fully realizing these people, their expertise, of course would be very limited to the Commission because of their present responsibility.

Chairman ABOUREZK. Let me ask staff if that was the case. Did you contact all the people listed here to see if they are available to serve.

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. Are there any limitations on any of them? Have any of them said only part-time?

Mr. STEVENS. Yes.

Chairman ABOUREZK. Then as we take up the names, will you notify us and let us know?

Mr. STEVENS. I don't have the specific times, but I think I could explain what the situation is overall.

Chairman ABOUREZK. As we come to each one?

Mr. STEVENS. Yes. There is a certain style involved here, which the Commission has already dealt with in the budget. In the case of three members, it is budgeted at 6 man-months for the year. In other words, they would average 6 months each.

In the case of some of these candidates, they are not available full-time. In the case of one of the task forces, I don't have the numbers precisely right but I am fairly close, one member is available full-time, another member is available 2 months, and another member is available 3 months. That comes to a total of 17 months, which comes one month short of the 6 man-month average.

The budget is of such a nature that the line item in the budget is adjustable. In ther words, the Commission has allowed for a task force specialist, which is a full time staff member, and that is allowable under the law and under the budget.

If you do not have a full time task force specialist, or if we do, or if we use consultants, or core staff, almost any kind of combination we want can be adjusted.

I just wanted to explain that. On the other hand, you could cut down the task forces, cut down the support, and go to more time, but it is all adjustable.

Most of the candidates here, I believe, I will take a guess and say that there is probably one on each of the task forces that will be full time, and the other two will be part-time. And the average comes out to somewhere between 16 and 20 months total.

I don't have the precise months, but we did ask when they were available. It balances out with the budget in general.

Chairman ABOUREZK. Any other discussion?

All right. There being none, let's begin the discussion of Task Force No. 1. I think we ought to wait until the Congressional members return before we do any voting.

Commissioner DEER. Of course, there is justification for all members of the task force but where there is a non-Indian, we certainly do have to have an additional justification because we have a lot of non-Indians who are so-called Indian experts.

I just think that whoever nominated a person, a non-Indian, really needs to bring forth special reasons for this.

Chairman ABOUREZK. I think that is a good idea.

Commissioner BRUCE. Mr. Chairman, how are we going to proceed? Are we going to stand up and vote or take a ballot or what?

Chairman ABOUREZK. I think if we do come to somebody that there is a disagreement on one of the selections, we do it by secret ballot. I think that is legitimate, it is provided for, and it happens all the time.

Commissioner BORBRIDGE. Mr. Chairman, I do have the résumés for Mr. Nash and Mr. Echohawk and Mr. Deloria. I would appreciate some briefing with respect to Barbara Lane and Oren Lyons.

Chairman ABOUREZK. First of all, let me ask staff if you can give them small pieces of paper that we can use for ballots.

I would like to ask what Mr. Borbridge just asked. Jack wants to know something more about Barbara Lane and Oren Lyons.

Mr. STEVENS. I don't have the thing with me. Oren Lyons is the Chief of the Onondaga Tribe, and he is a professor at Buffalo. He is, I guess, heavily involved in the treaty issue. The Onondaga's go to the point of having their own passports when they go to Europe.

He is the traditional Chief and also a very learned man.

Chairman ABOUREZK. Didn't the Onondaga's declare war on Germany separately in World War I?

Mr. STEVENS. Yes.

I happen to know him personally because of the Six Nations.

Chairman ABOUREZK. How old a man is he?

Mr. STEVENS. I guess his early forties.

Chairman ABOUREZK. What about Barbara Lane?

Mr. STEVENS. Barbara Lane, somebody has to say something about her. What I know about her is that she has been very much involved in the Boltden decision in the research.

I only know her by reputation. I believe she is a non-Indian, but I am not positive.

Chairman ABOUREZK. All right. We will ask if there are any other questions that anybody would like to know about those two? Is that okay?

Commissioner BORBRIDGE. That is fine.

Chairman ABOUREZK. All right. I will ask Lloyd Meeds to make the nominations as the Chairman of the Selection Subcommittee.

EDITORS NOTE: A gap appears in the transcript at this point in the record. By vote of the Commission on July 11, 1975, the shorthand notes of Ernestine Ducheneaux was ordered to be placed in the record at this point. These notes, to some extent, overlap the testimony.

* * * * * * *

Congressman MEEDS. Our suggestions should not be binding on the full Commission. We have nominations for Task Forces 1, 3, 4 and 9. I would like to move to the consensus nominations of the first task force. Task force No. 1. Vine Deloria, Mel Tonasket, Barbara Lane. Alternates: Doug Nash and John Echohawk.

[After some discussion as to whether the Commission was being deliberate enough in selecting task force members, Congressman Meeds suggested:]

Congressman MEEDS. Why don't we go through the names we nominated and accept all those upon which there is unanimous consent? We have consensus nominations for Vine Deloria, Barbara Lane, Doug Nash, and John Echohawk. I would like to place the name of Iliff McKay and John Stevens in the nominations.

Commissioner DIAL. I am a strong supporter of the chairman of the task force having a strong input into the people with whom he is going to work. We are fortunate to get certain people to head certain task forces and you will only get them under certain conditions. I concur with the selection Congressman Meeds mentioned there but I believe that Vine Deloria would not like to work with some on the list. Therefore, I give strong support to Vine Deloria, Oren Lyons, and Barbara Lane.

Congressman STEIGER. Is Vine Deloria chairman?

Congressman MEEDS. Yes.

Chairman ABOUREZK. Any other nominations?

Commissioner DEER. Supporting Echohawk and Nash.

Secret balloting and counting. Results: Vine Deloria, 7; Oren Lyons, 5; and John Echohawk, 5.

Congressman MEEDS. The consensus nominations for Task Force No. 3 are: Sam Deloria, chairman, Mel Tonasket, and Ray Goetting.

Commissioner WHITECROW. I would like to nominate John Shaw.

Congressman MEEDS. I nominate Wendell George.

Commissioner BORBRIDGE. I nominate William Carmack.

Commissioner DEER. I nominate Phillip Martin and Robert L. Bennett.

Secret balloting and counting. Results: Sam Deloria, 7; Mel Tonasket, 8; and Ray Goetting, 6. Sam Deloria as chairman.

Congressman MEEDS. The consensus of Task Force No. 4 nominees is: Hank Adams, Alice Reihl, Alan Parker, and Jerry Flute.

* * * * * * *

[A vote was taken.]

Congressman MEEDS. Sam Deloria was 7; Mel Tonasket, 8; Ray Goetting, 6; and John Shaw, 1; Dr. William Carmak, 1; Robert Bennett, 1.

The consensus of the Task Force on Selection was Hank Adams as chairman of Task Force No. 4, Jurisdiction, Alice Riehl, Alan Parker, and alternate Jerry Flute.

Chairman ABOUREZK. Any other nominations?

Congressman STEIGER. I would like to nominate Sherwin Broadhead.

Chairman ABOUREZK. Sherwin Broadhead has been placed in nomination.

Any other nominations? Any discussion?

Congressman STEIGER. Mr. Chairman, I would like to also discuss—I think in the instance of Alice Riehl, the rest of the Commission shares my lack of firsthand knowledge of her.

All I can tell you is that I have had some calls from home and the calls I have had have expressed great faith in Alice Riehl as far as being competent.

Also, I recommend that she be retained on staff, rather than on the task force itself. I would like to advise Ada that I do understand that she is a non-Indian. So, I hope to pick up your vote on that matter.

We have good people, and it would be better to serve on the staff than on the task force. I hope that you all, unless somebody has a compelling reason why Alice Riehl ought to be on the task force itself, I think the Commission would be appropriate in recommending, unofficially, that this task force consider the staffing.

Congressman MEEDS. I have one additional nomination, Judge William Rhodes. I would like permission to call on Jo Jo Hunt to tell us about Judge William Rhodes.

Ms. HUNT. Judge Rhodes is the Chief Judge of Hilo River. I know him to have made some stands on jurisdiction questions and to have, at least to my knowledge, thoroughly researched that area.

I really respect the man, and I will leave it at that.

Congressman STEIGER. I have the good fortune to know Judge Rhodes and my feeling is that—he is politically opposed to me—he is

respected in Arizona, and is consulted by both the Superior Court and the Supreme Court on two occasions that I know of.

His opinions have had great weight in affecting the whole State.

I think he is a very fine example of what can be done in the tribal judicial system. He would be an asset wherever we use him.

I would strongly recommend that you would vote for him.

I thank you for bringing his name into nomination.

Commissioner DEER. I have comments on both Mr. Parker and Mr. Flute.

I have received, and I am sure a number of the other Commission members have received letters on behalf of Mr. Parker, attesting to his training and his interest and expertise in the area of Indian law.

Also, Mr. Flute is, I think, chairman, or maybe the council member——

Chairman ABOUREZK. Chairman of the Sisseton-Wahpeton Tribe.

Commissioner DEER. I have heard many comments about his leadership. I think it is important that we have some tribal chairmen on the task forces, and I do appreciate Mr. Steiger's comments on this.

I think in view of the importance of this whole area—Federal, State and tribal jurisdictions—that we do need to keep in mind the expertise of lawyers and I would like to see at least two lawyers on this task force.

Chairman ABOUREZK. Any other comments?

Commissioner WHITECROW. I would like to take this opportunity to nominate an Otoe Indian, a man who is supported by the State of Oklahoma for appointment to the Commission; a man who is supported by Mr. Carl Albert, and also by the National Congress of American Indians and by the United Tribes of Western Oklahoma and Kansas.

This man is an attorney. He is quite knowledgeable in his field of Indian law, and I would like to submit the name of Mr. Browning Pipestem, attorney at law, for consideration for Task Force No. 4.

I fully realize that in the invitation here, Mr. Pipestem indicated a desire to work with Task Force No. 3. I fully feel that he would also be available to work in this area of Task Force 4 and would accept appointment if he is so selected.

Chairman ABOUREZK. Any further nominations?

Congressman MEEDS. Staff tells me that Alan Parker has agreed to serve on this task force if he is elected but he would rather serve on Task Force No. 2.

Chairman ABOUREZK. What is his position?

Mr. STEVENS. He has been affiliated with his own organization but he has been working with the National Congress of American Indians on a tribal government project which includes preparing textbooks on tribal government for high schools.

Congressman MEEDS. Which is Task Force 2.

Mr. KICKINGBIRD. He has done considerable writing in the last 2 years. He served on the Indian Civil Rights Task Force; is rewriting the Cohen and the Kapplers. He served there for 18 months.

In the past, he has been writing on jurisdiction. This is the second time, I believe, that he has worked with a number of law students on tribal government problems. So, he is eminently qualified for both of those.

Chairman ABOUREZK. We might be better served to shift that position.

Congressman STEIGER. He is a very sharp guy. I hate to lose him.

Chairman ABOUREZK. I will be guided by that.

Congressman MEEDS. I will announce my intention not to vote for him for this, but to nominate him and vote for him for Task Force No. 2.

Chairman ABOUREZK. If there are no other items of discussion on this, I would like to make a comment, myself.

Sherwin Broadhead, who has been nominated by Sam Steiger, worked with me over in my staff for a year. I can't say enough good things about Sherwin and the work he did. I don't think there is any question about it.

In fact, I have got a long jurisdiction, in trying to define it, even after he left he's been doing some work, back in Ohio where he is now living, on this jurisdiction question. He is very good and highly competent. He is an attorney, and is familiar with the area.

Secondly, Jerry Flute happens to be a personal friend, except in my opinion one drawback in appointing him, Jerry Flute, to this position, and that is that Jerry was very instrumental in the jurisdiction drive the Sisseton-Wahpeton Sioux undertook for better than a year after a court decision, which gave them jurisdiction over lands previously thought to be non-Indian land, or nonreservation lands.

It was a very tumultuous year that Jerry spent up there and provided excellent leadership in that area, and the problem was that the Supreme Court took his tribe down to defeat.

I would like to see Jerry Flute on a task force but I think it would be a little bit awkward to put him on the jurisdiction task force because of that very difficult situation that they had in South Dakota in this past year.

Commissioner DIAL. Mr. Chairman, I would like to say a word about Hank Adams. I guess he is taken for granted here. I would hope that we would not overlook this man just because his name hasn't been mentioned.

Chairman ABOUREZK. I would like to make one other comment. Sherwin Broadhead has an exceptional organizational ability. I would like to recommend that he be chairman of this task force, instead of Hank, with the consideration of the other members.

We are all familiar with Hank but I think Sherwin has better organizational abilities.

Commissioner BRUCE. Mr. Chairman, I would like to make a comment about Sherwin Broadhead. I have great respect for him. He was assistant to me when I was Commissioner and he did a great job. I endorse him highly.

Commissioner DEER. I would like to add my statement on behalf of Sherwin Broadhead. His work shows a great deal of sensitivity and commitment. He did the highest kind of work for us.

Chairman ABOUREZK. Any other comments?

Congressman MEEDS. I would like to say a word about Hank Adams. My first experience with Hank Adams was about 8 years ago when he was with Washington State. I have had a close relationship with him and I find him to be, in all instances, extremely brilliant and very knowledgeable about this subject matter and others.

I think he would be a fine chairman, and in addition to this, he would bring to the Commission the same kind of prestigious reputation, at least in the Indian world, particularly in the Indian world, as Vine Deloria would give the task force a great deal of credence.

Chairman ABOUREZK. Any other comments?

Any other nominations? If not, we will go into the ballot. The same procedure as before.

A vote was taken.

Congressman MEEDS. Has anyone contacted Sherwin? Will he serve?

Mr. STEVENS. Yes.

Congressman MEEDS. Hank Adams, five; Sherwin Broadhead, six; Judge Rhodes, four; Browning Pipestem, three; Jerry Flute, two; and Alice Riehl, one.

Chairman ABOUREZK. You have got three choices. Let's do a tie-breaking ballot on chairman.

Congressman MEEDS. Four votes for Sherwin Broadhead, and Hank Adams.

Is it all right to show hands?

Chairman ABOUREZK. Those in favor of Hank Adams as chairman, raise your hands.

[A vote of four.]

Chairman ABOUREZK. Those in favor of Sherwin Broadhead?

[A vote of four.]

Congressman STEIGER. This is very interesting but I will switch to Sherwin Broadhead. I think they will work together.

Chairman ABOUREZK. I will withdraw Lee's proxy and accept Sam Steiger's vote.

Congressman MEEDS. Task Force No. 9, the consensus candidates——

Chairman ABOUREZK. Are we going to skip over No. 5?

Congressman MEEDS. Yes. If the Chair will recall, four of the task forces begin on the 21st, the next group is August 4. Those are Nos. 1, 3, 4 and 9.

Chairman ABOUREZK. Those are the July 21 task forces.

Congressman MEEDS. Right.

Mr. Chairman, for Task Force No. 9, which is Indian Law Revision, Consolidation and Codification, the consensus candidates are for chairman: Peter Taylor, Kathryn Harris, and Yvonne Knight.

Chairman ABOUREZK. Those have been placed in nomination.

Congressman STEIGER. Mr. Chairman, I want to make a real strong pitch for Browning Pipestem for this particular area, and I would also urge his position as chairman.

I have worked, as I suspect some of the other have, with him and not only is he intellectually competent, but he has got the real happy knack of finding weaknesses where there appear to be none and exploiting them.

He really is a very impressive guy. He also has the rare ability of motivating people. He can get production and a change of direction in organization simply by exerting motivational powers.

I think he is from Oklahoma, but he is, of course, a lawyer and he has worked for Louie, and he has worked for the Navajo people in Arizona. He's got a broad background and is a very tough guy and very conscientious.

Chairman ABOUREZK. I agree.

Browning Pipestem has been placed in nomination. Are there any other nominations?

Commissioner DIAL. Mr. Chairman, I would like for Mr. Kickingbird or Mr. Stevens to tell us who is this man Pete Taylor?

Mr. KICKINGBIRD. Pete was second in command of the Indian Civil Rights Task Force.

Commissioner DIAL. Oh, I see.

Mr. KICKINGBIRD. He has quite a good deal of experience. In the last 3 or 4 years he has been working on Indian legal issues. I think he could bring a lot to the task force.

Congressman MEEDS. I would like to place into nomination the name of Frank LaFontaine.

Chairman ABOUREZK. I don't know him.

Congressman MEEDS. Frank is counsel for STOWW, Small Tribes of Western Washington. He is Colville. He is a very capable person. He wrote a number of articles—law reviews. He is a graduate of the University of Washington.

Also the name of Ray Cross. I yield to my staff to tell us about Ray Cross.

Ms. HUNT. Ray is a 1973 Yale Law Graduate. He is currently working with the California Indian legal services. He is a very bright person.

Congressman MEEDS. Mr. Chairman, I would also like to say some words in behalf of Peter Taylor. I do not know him well but have found him to be an extremely dedicated person. He has probably taken more heat than anybody from the administration. He is, unfortunately, a white person.

He has probably taken more heat in the administration than anybody except Chairman Bruce. There is evidently some effort in the department to skuttle the work that he and one other person had been doing over there, and it is our hope that by getting him, that maybe we will be able to drag out that whole effort that they have been involved in in Interior.

He, incidently, is a non-Indian, and was recommended by NCAI for this position.

Commissioner DEER. Two comments. First of all, a question as to the list here, she has indicated an interest in Task Force No. 2 and we are considering her for Task Force No. 9. Can you clarify that?

Mr. STEVENS. I talked with Yvonne Knight and cleared that with her and she is agreeable to being a candidate for this. We went over that and we talked three times on the phone. She thought it over, over the weekend, and she called me back Monday, and said she would accept.

Commissioner DEER. She is working closely with us on our constitutional by-laws and has just produced a handbook on tribal constitutions, which I think is going to be remodeled.

I think she is ideally suited for this particular task force, as well as the other one. So, I think it is a matter of preference.

I think, secondly, in the matter of Kathryn Harris, that she is just a recent graduate of law school. I feel that this type of responsibility in this particular task force would require more experience and I think, in view of the fact, that we have many lawyers that have graduated through the law program, that we do need to have a person with more experience than she has at this particular point.

Chairman ABOUREZK. Any other comments?

Congressman MEEDS. Mr. Chairman, on behalf of Kathryn Harris—if I have met her I don't recall, I may have—as I understand, she is a graduate of Harvard Free Law where she graduated magna cum laude, and Stanford Law School. That says a lot for her right there. She has to be very bright to have done that.

Chairman ABOUREZK. Any other comments?

Commissioner DIAL. In looking over her résumé, I was impressed with—perhaps as well as any of the entire group.

Chairman ABOUREZK. No other comments? If not, we will go into the balloting for Task Force No. 9.

May I ask for one point of clarification? Did you say that Pete Taylor was a non-Indian?

Mr. KICKINGBIRD. Yes.

Chairman ABOUREZK. Can I raise a point?

Would it be advisable for us to have a non-Indian as chairman of a task force?

Commissioner DIAL. That is all right.

[A vote was taken.]

Congressman MEEDS. Pipestem has six; Taylor, six; and Knight, seven. Taylor is Chairman—then Knight and Pipestem.

Chairman ABOUREZK. That is the end of task force selections. Do you want to save education for next time?

Commissioner DIAL. I move that we go on. We have a list here of nominees for Task Force No. 5. I would suggest we proceed with No. 5, as we have with 1, 3, 9 and 4.

Congressman MEEDS. This is a task force which we do have complete.

Chairman ABOUREZK. We might as well finish it.

Second to the motion?

Congressman STEIGER. Second.

Chairman ABOUREZK. All in favor say "aye."

[A chorus of aye's.]

Chairman ABOUREZK. Opposed.

[No response.]

Chairman ABOUREZK. We will go on to Task Force No. 5.

Congressman MEEDS. The consensus of the task force on selection is as follows: Chairperson, Helen Schierbeck, Teddy Rising Sun, Virgil Kills Straight, and Elaine Misiazek.

Mr. Chairman, I must say this. My understanding is that Mr. Rising Sun desires Task Force No. 2 and he is a person, or one of the persons that Senator Metcalf talked about this morning.

I would be perfectly willing to vote for him, or to see him moved. I don't know if I would vote for him in No. 2.

If we do decide to move him, I would suggest Mr. Earl Barlow, that Senator Metcalf suggested. I will put the name of Earl Barlow in nomination.

Congressman STEIGER. Mr. Chairman, I have another nominee, if it is in order.

Chairman ABOUREZK. Go ahead.

Congressman STEIGER. The name of Abe Plummer. This is important, to get back for geographic regions. He is a Navajo. We have no Navajo representative.

Much more important than that, Mr. Plummer is a man who has devoted his entire life to education. He is a member of the Indian School Board Association of the National Indian School Board Association. He was instrumental in organizing that.

He's got a national view of the Indian education picture as well as the reservation view of it. He is well respected in the educational community—both on and off reservations.

He is unique because he is not only involved in grade schools and high schools, but he is also involved in the Navajo Community College.

From the standpoint of school board administration and dedication experience, he really is uniquely qualified. He is a Navajo and I really think we need to get the Navajo representation on the task force. This is Abe Plummer.

Commissioner WHITECROW. Mr. Chairman, I would like to add a few comments about some of the people on this particular committee.

Recently, in January of this year, there was an ad hoc committee formed of the interested people throughout this Nation. This meeting was conducted in January and the reason this particular ad hoc committee was formed was as the result of the National Advisory Council on Indian Education.

Not having any specific longevity in their nominations by the President, but also inasmuch as we have had an awful lot of turmoil within local school districts, current councils, I attended that meeting in January and was elected to the ad hoc committee.

Therefore, I am quite familiar with all of these people in the field of education: Miss Schierbeck, Mr. Rising Sun, Mr. Kills Straight, and Mr. Plummer. These people are all serving—especially Mr. Kills Straight and Mr. Plummer—on this ad hoc committee, and they are most definitely interested in the field of education.

In addition to this, there is an additional person, and I am in complete accord with Congressman Steiger's intent insofar as nominating Plummer. I assure the Congressman that I will be voting for Mr. Plummer. I would also like to submit an additional name.

Truly, we need people who are interested in the field of education, in this particular aspect of it; and we certainly need a Southwest representative in this particular field.

I nominate a man by the name of Bennie Starr. He is with the Pueblo Council of New Mexico. I visited this past evening with his governor, the governor of the All Pueblo Council of New Mexico, and Mr. Starr is the chairperson for the All Pueblo Council in the field of education.

He has no great amount of educational expertise but he does have plenty of local groundwork experience in dealing with Johnson amount of money, also with the title IV program.

He is most capable in the field of education and he is definitely interested and would be available for service.

I would like to submit that name, also. Incidently, he is also a member of the ad hoc committee to the National Advisory Council, along with Mr. Plummer and Mr. Kills Straight.

Chairman ABOUREZK. Bennie Starr has been placed in nomination. Any other discussion?

Congressman MEEDS. Mr. Chairman, I would like to speak in behalf of the consensus candidate for chairman, Helen Schierbeck. I think all of you know I was very much involved in the Indian Education Act of 1972 and conducted a lot of hearings and worked very hard on that.

At that time, I became acquainted with Helen Schierbeck. I don't know of anyone, Indian or white, who knows as much about Indian education as Helen Schierbeck does. I certainly think she is, by far, the best candidate for this committee.

Chairman ABOUREZK. If I might, I would like to make a statement on behalf of Earl Barlow, who is Senator Metcalf's choice for a member of the Task Force on Education.

Senator Metcalf had to go to do some other business today, but if he were here, he would argue as strenuously and vigorously for Earl Barlow's nomination to this task force as he did in brief this morning.

I want to announce that I intend to vote for Earl Barlow and to cast Lee Metcalf's proxy, which I have for Earl Barlow. I would make a plea to the other Commission members to join in voting for Earl Barlow.

Commissioner DEER. I would like to speak in behalf of Lorraine Misiazek. I have become acquainted with her in a number of Indian conferences. She has written a number of papers and I think she is an outstanding candidate in the area of education.

As I look through our sheets here I see, at this particular point, with the exception of Mr. Bennie Starr's nomination, we do not have anyone from the Pueblo group. I think it is important, in this area, that we do have representation from the Pueblos.

I also want to add that I concur wholeheartedly with Mr. Steiger in his comment about the Navajos. The Navajos have pioneered a number of educational ventures. I think it is essential, in this task force, that we do have a Navajo.

We do have a number of qualified Navajos. I see on the list Mr. Gilman Bodero, who is also an excellent candidate.

I would like to emphasize to the Commission that you should keep in mind the necessity for geographical representation here, as well as expertise.

Chairman ABOUREZK. Any more comments?

If not, we will go into balloting for Task Force No. 5.

[A ballot vote was taken.]

Congressman MEEDS. Helen Schierbeck is chairperson with seven votes, seven chairmanship votes. No. 2 is Mr. Barlow with seven votes; No. 3 is Mr. Plummer with four votes.

I hope somebody will check on that.

Mr. GOETTING. I got the same order but eight, eight, and five.

Congressman MEEDS. Then I missed a whole vote someplace.

Chairman ABOUREZK. Let's go through them again.

[A recount was taken.]

Congressman MEEDS. You are right. It is eight, eight, and five.

Chairman ABOUREZK. Who are they?

Congressman MEEDS. Chairman, Helen Schierbeck; Earl Barlow and Abe Plummer.

Chairman ABOUREZK. All right. That is the task forces.

Congressman MEEDS. Mr. Chairman, could I get the direction of the Chair. I would propose that we have but one more meeting of the nominating committee and have the remaining nominations before the group for the 11th or 12th of July. That we will have for the Commission, 1 week before we meet, the names of all people who are nominated and the copies of background of all the remaining people we have who have not been heretofore elected, so they can know about it.

We can do that, can't we? Then we won't be confronted with a situation like today where they don't know about these people.

Chairman ABOUREZK. We will direct the staff to do that.

I also direct the staff, tonight and tomorrow, draft a letter notifying the people who were nominated, the positions of chairmen and members, and which task force they were nominated to and ask them for a written acceptance that we could put on file.

Advise them, also, of the maximum salary schedule.

Is there anything else?

I think the staff has one or two quick items before we adjourn.

Am I correct that the next meeting is the 11th? Do we have a room yet?

Mr. STEVENS. Next month, the 11th, but you have to approve that date. That was a tentative date only.

Chairman ABOUREZK. That is Friday, the 11th of July?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. I will entertain a motion to have our next business meeting the 11th of July, Friday, on the Senate side.

Congressman STEIGER. So moved.

Chairman ABOUREZK. Sam Steiger seconds, and moves it, both.

Without objection, our next meeting is the 11th of July, on the Senate side.

Do you have a room lined up yet?

Mr. STEVENS. No.

Chairman ABOUREZK. We will try and get that same room.

You have some more items.

Mr. KICKINGBIRD. One of the items is that the Commission has been invited to testify at some congressional committee hearings related to civil service benefits of employees selected by Indian preference.

Chairman ABOUREZK. Who has?

Mr. KICKINGBIRD. The staff and Commission.

It is next week, on the 18th I believe. I don't think we can prepare for it and I don't know what our policy should be about appearing at hearings.

Congressman STEIGER. May I be heard on that.

That certainly is germane but I don't think a policy commission ought to be on record. Clearly it is going to call for a conclusion on the part of the witnesses and I don't think it would be fair to reflect that conclusion, whatever it is, on the Commission.

So, I would hope that we would instruct the staff not to testify.

Chairman ABOUREZK. You are so instructed.

Any other items, Jim?

Anybody else have anything they want to say?

I want to express my thanks then to the staff, and I want to tell the Commission members, those of you who don't know that the moving process that the staff has been into, the process of physically moving to space, once again and of trying to get these nominations put together, and all of the paperwork they have had to do, along with everything else, has placed a tremendous burden on them.

I want to express my appreciation for the long hours that they have continually put in.

If I could tell a story, when I first got out of law school I worked for a lawyer who went into hiding because the minute I went to work for him he had lost the primary for the State senate and he went into hiding.

Just to do all the legal work that he refused to do that was in the office, I had to stay up all night every night, practically, to do it, because I didn't know very much about practicing law at that point.

He, one day, came to me and said, Jim, we are going to have to start working nights to get this work out."

I said, you can stick this job in your ear.

I want the staff to know that I sincerely, and I think the other Commission members, appreciate the long hours you have had to put in.

I want to thank the Commission members for the excellent job I think you all have been doing in contributing to the debate—keeping this thing wide open. I sincerely appreciate it very much. I know the Indian community does, as well.

The meeting is adjourned.

[Whereupon, at 5 p.m., the meeting was recessed to reconvene on Friday, July 11, 1975.]

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MEETINGS OF THE AMERICAN INDIAN POLICY REVIEW COMMISSION

FRIDAY, JULY 11, 1975

AMERICAN INDIAN POLICY REVIEW COMMISSION,
Washington, D.C.

The Commission met, pursuant to notice, at 10 a.m., in room 1318, Dirksen Senate Office Building, Senator James Abourezk, presiding.

Present: Senators Abourezk, Metcalf, and Hatfield; Congressmen Meeds, Yates, and Steiger; Commissioners Louis Bruce, Adolph Dial, Ada Deer, Jake Whitecrow, and John Borbridge.

Staff present: Staff Director Ernest Stevens; and General Counsel Kirke Kickingbird.

Chairman ABOUREZK. The Commission meeting will come to order. Will the staff director call the roll of the Commission members please.

Mr. STEVENS. Commissioner Borbridge.

Commissioner BORBRIDGE. Here.

Mr. STEVENS. Commissioner Bruce.

Commissioner BRUCE. Here.

Mr. STEVENS. Commissioner Deer.

Commissioner DEER. Here.

Mr. STEVENS. Commissioner Dial.

Commissioner DIAL. Here.

Mr. STEVENS. Commissioner Hatfield.

Senator HATFIELD. Here.

Mr. STEVENS. Commissioner Meeds.

Chairman ABOUREZK. He went to vote.

Mr. STEVENS. Commissioner Metcalf.

A VOICE. He will be here in a minute.

Mr. STEVENS. Congressman Steiger.

Chairman ABOUREZK. He went to vote.

Mr. STEVENS. Commissioner Whitecrow.

Commissioner WHITECROW. Here.

Mr. STEVENS. Commissioner Yates.

Chairman ABOUREZK. Is Sid going to be here? He will be here.

Mr. STEVENS. Commissioner Abourezk.

Chairman ABOUREZK. Here.

Before we take up the staff progress report, we have with us this morning, our lawyer from the Justice Department, and we are going to ask him for a progress report on our infamous lawsuit, in which we are all privileged to be defendants. Rather than hold Mr. Herbert Pittle all day to listen to the proceedings of the Commission, I have asked him to give a very brief progress report on the response that he is preparing for the lawsuit, and what he expects by the way of timing.

Mr. Pittle, welcome to the Commission.

Mr. PITTLE. Thank you, Commissioner and members of the Commission. The progress report necessarily has to be rather brief. This brief description belies the amount of work we have already undertaken.

I would like to report that before we received the submission from Mr. Kickingbird giving us documents and your understanding of these wild allegations in this complaint, we immediately began preliminary legal research on their so-called constitutional questions, and we have gone pretty far with that legal research.

Upon receiving Mr. Kickingbird's assembly of documents, and your statement of the chronology of the creation of the Commission and the activities since that time, I have prepared a proposed answer to the complaint. I furnished Mr. Kickingbird a copy of it this morning, and I requested that he review each one of our denials, submissions, and allegations, and let us know, hopefully by the first of the week, any additional suggestions that you may wish to offer.

I would be happy to incorporate them in the final answer, if you find it necessary to add anything.

As you know, they have about 52 separate paragraphs, most of which is argument and conclusions. So those require nothing more than denial. So we have gone ahead and tried to tell our story to some extent.

In addition to that, I have started preparation on some proposed interrogatories to the plaintiffs. I have furnished a copy of what I have done so far to Mr. Kickingbird this morning also, and asked for additional suggestions.

When I receive your response or his, we will file the answer hopefully before the end of next week when it is due, and if he agrees, we will also submit the proposed interrogatories.

As to the timing, after the filing of an answer we would expect to prepare, as promptly as I can get to it, a motion for a summary judgment, which would then come on for hearing in due time, depending on the court's calendar, and the plaintiff's response or opposition.

I had expected that before now, the plaintiff's would be filing such a motion. And in case there is any concern about that, it really doesn't matter if they should file a motion before I do. Then I would merely file an opposition and a cross-motion, both of which would come on for hearing at the same time.

In connection with the preparation of the proposed motion for summary judgment, I have asked Mr. Kickingbird to give consideration to appropriate affidavits to support any contentions, arguments, or factual matters that may have occurred and which should be presented for consideration by the court.

That is about as far as I can go up to this point. If you have any questions, I will be glad to try to respond.

Chairman ABOUREZK. Thank you. I will say there are some wild allegations.

Mr. PITTLE. There is one thing I could mention in that connection, if the Commission please. I am sure there is no secret about the publicity of the kind of lawsuits that are being filed in the last couple of years, and the serious consideration that some courts seem to accord to them.

So I cannot predict anything. I can only say we are fortunate with the judge to whom the case has been assigned. I think he is a pretty solid lawyer who went to school about the time I did.

I don't think he is one who is going to try to tell any other branch of the Government, whether it is the executive or legislative, what they should do, and how they should do it.

Thank you.

Chairman ABOUREZK. Does anyone have any questions?

Commissioner WHITECROW. I have one question, Mr. Pittle. Do you by any chance, know whether or not you received all of our responses—the individual Commissioner's letters requesting you to defend us?

Mr. PITTLE. As of this morning, I have gotten three of them. The other two may be in the office, but with our mailroom, it took me a week to get Mr. Kickingbird's submission. They may be en route, I don't know.

Commissioner WHITECROW. Do you have mine?

Mr. PITTLE. Yes, sir, I have yours.

Chairman ABOUREZK. We want to express our thanks for your work and coming up here today Mr. Pittle. We will see you later.

Mr. PITTLE. Thank you.

Chairman ABOUREZK. There are some items of business we have to get out of the way.

The transcript of our June 13, 1975, meeting is incomplete for a period of approximately 10 minutes. This gap in the verbatim record occurs on page 102 of the transcript. The recorder has made a notation in the margin that the blank occurs at the end of side one of a recording tape.

Ernie has recorded all the motions made during the last meeting, and has a record of the major activities which appears as a summary of the last meeting. For purposes of clarifying the official record, in the event that we publish these transcripts, it would be appropriate to insert, at that point, the relevant portion of the summary of activities that Ernie has recorded.

The activities that took place during this period are listed. Have you passed this out to everybody Ernie? Give everybody a copy. We will ask for a motion to insert these in after we have looked them over.

Now, what I want the Commissioners to do is to look over the notes that were taken by Ernie Ducheneaux, and to approve the insertion of these notes of the motions that were made and so on. I will entertain a motion to do so later on. Would you pass this around please.

Then if there are any corrections that anyone wants to make on any of the other transcripts, I think the procedure that we established last time was that we would make transcripts available to anyone and that we would just make corrections after we have had a chance to look through them.

Commissioner DEER. Mr. Chairman, I have read this summary. What circulation will the summary be given.

Chairman ABOUREZK. What summary is that?

Commissioner DEER. It says meeting of the Policy Review Commission, Friday, June 13. It is a summary, as I understand it, and some of the comments that I made are not there. I think it distorts the meaning of some of the points. So I am wondering what circulation——

Chairman ABOUREZK. I haven't even seen the summary.

Senator HATFIELD. Mr. Chairman, I think the Commissioners can make any corrections——

Chairman ABOUREZK. Who put together the summary?

Mr. STEVENS. The summary has no standing. The summary is exactly that; it is a summary to tell people what generally happened, and it is taken from the shorthand account of what transpired, and then also something from the transcript. The transcript itself is the official record.

This is only for the use of the Commission to summarize what happened at the meeting. It is not given to anybody but the Commissioners.

Chairman ABOUREZK. There are omissions in the official transcript. That is where the corrections will be made.

Mr. STEVENS. We can correct the summary in any way she wants.

Chairman ABOUREZK. If anybody wants to summarize it, that is fine.

Now, Mr. Goetting, do you want to explain your first request and action here on this sheet that you gave me?

Mr. GOETTING. In the agenda, we have an item there with respect to a conversation we had last meeting with regard to the employment of a historian, and checking out of whether or not he would accept a certain salary and be available.

So, we have done that. He is willing to accept it. It is D'Arcy McNickle, and the motion then is for authorizing his employment as a consultant for that purpose.

We also have a request for Ron Trosper, an economist from the University of Washington, who has the summer available to us, and we need to get him right away if we are going to utilize that service for the beginning of task force research and statistical planning.

We had asked for this information, and I think the material on him is attached to the material that has been given to the Commissioners.

We have one other that is in a letter to the Commissioners for the contributed services of an individual from a company, Mr. Arnold Anderson, and we need to do that with respect to the employment, so we can pay his travel and expenses.

The Senate rules indicate that we are not allowed to pay the expenses of anyone other than an employee. So as a temporary employee on a WAE basis at a very low salary like $2 a day, will qualify him for that purpose, and the rest of his salary is contributed by Union Carbide.

Chairman ABOUREZK. Until we get that law passed, and get those amendments signed into law, then we can do that: Can't we?

Mr. GOETTING. We could probably remove him from being a consulting services employee at that time.

Chairman ABOUREZK. I would like to entertain a motion then to authorize the appointment, on an employee basis not to exceed $25,000 per annum for D'Arcy McNickle as historian of the Commission.

Commissioner BRUCE. I would like to make that a motion.

Chairman ABOUREZK. Is there a second?

Commissioner DEER. I second.

Chairman ABOUREZK. Motion has been made and seconded. All those in favor will respond by saying "aye."

[A chorus of ayes.]

Chairman ABOUREZK. Those opposed, "no." [No response.] The ayes have it, the motion is carried.

This Ron Trosper, is that the same salary level you are talking about?

Mr. GOETTING. This is not to exceed. We would not necessarily have to pay that salary at that level. It is just not to exceed

Chairman ABOUREZK. We will entertain a motion on the same basis for Ron Trosper.

Commissioner BORBRIDGE. So moved.

Chairman ABOUREZK. Any second?

Commissioner DIAL. Second.

Chairman ABOUREZK. The motion has been made and seconded. All in favor will respond by saying "aye."

[A chorus of ayes.]

Chairman ABOUREZK. Those opposed, "no." [No response.] The ayes have it.

Now, your second request, amending the general provision to provide for full-time task force members, and to correct their social security statements, since social security withholdings are not made by the Senate. Now explain that.

Mr. GOETTING. In the issuance of our manual booklet, we have indicated that the task forces on our budget, were to be part time. But in a decision last meeting, the Commission talked about letting certain task force members be full time, because some might not spend as much as necessary. So, in order to comply with the Commission's discussion in the minutes of the last meeting, we wanted to change the rules in that manual. Since the manual has been approved by the Commission, we feel that any adjustments and changes should be brought before the Commission.

In regard to the general provisions, the statment that we did read in section 3, paragraph (a), says "The task forces shall be intermittent WAE employees." We want to remove that sentence, so they can be full time.

Chairman ABOUREZK. You mean just to delete that sentence?

Mr. GOETTING. Right. The other thing was that we interpreted that everyone employed by the Commission would be subject to social security. Under the Senate rules, the Senate does not provide social security benefits to its employees. Therefore, this statement was wrong and we need to delete it also.

Chairman ABOUREZK. So you want to delete which two sentences?

Mr. GOETTING. The first two sentences in that paragraph, 3a3.

Chairman ABOUREZK. All right, the first two sentences. Is there a motion for that?

Congressman STEIGER. I so move.

Chairman ABOUREZK. Any second.

Commissioner BORBRIDGE. Second.

Chairman ABOUREZK. The motion has been made and seconded. All those in favor will respond by saying "aye."

[A chorus of ayes.]

Chairman ABOUREZK. Those opposed, "no." [No response.] The ayes have it, the motion is carried.

Is there a third request.

Mr. GOETTING. The third request, Mr. Chairman, probably would be after a result of discussion of an item on the agenda later on, regarding the processing of hearings.

One of the things I would say in item 1 is that I wanted to include the name of Arnold Anderson for receiving a contribution of his services from the company on a small employment basis.

We can pay him $2 a day, and they will pick up the rest of his salary; but by virtue of his being on the roles then, it would be helpful to pay

his travel expenses. Otherwise we can't do it. Then when that amendment to our authorization is passed, then we can drop him and pick up the whole contribution.

Chairman ABOUREZK. Is there a motion for that?

Commissioner BORBRIDGE. I would like to make that motion.

Chairman ABOUREZK. Any second?

Commissioner DIAL. I second that motion.

Senator METCALF. Mr. Chairman, I just came in. We would not confirm anyone who is on the payroll of Union Carbide, Exxon Oil, or something else for a job in the Federal Government. We would make him divest himself of all of his employment and so forth.

Here is an important thing where there may be or could be a conflict of interest. We are going to let a corporation, that has interests and concerns, keep a man on their payroll.

I understand there is a limited amount of money that is involved with this, but I think this is a practice that should never be started. A practice that if it is started should be ended immediately.

I just want to register a protest against a man being on the payroll of a corporation such as Union Carbide, and at the same time doing work for our organization.

Chairman ABOUREZK. Lee, I tend to agree with you if it were a matter of conflict of interest. As you know, I vehemently oppose any oil company people going into the Government to serve in a position that would regulate the oil companies, for example. I believe that is very clear.

Senator METCALF. I believe everyone of the congressional members on this panel are vehemently opposed to that.

Chairman ABOUREZK. My problem is that I didn't see a conflict of interest in this, because I don't know what Union Carbide would have to do with Indian affairs. Except to say that this fellow is an Indian and has always had an interest in Indian affairs, and they were able to obtain his services free from Union Carbide. The only thing was that they wouldn't pay his expenses.

I will go along with you if you feel strongly about it.

Congressman STEIGER. Before you go along, I appreciate the motivation and the sensitivity of the whole situation, you are absolutely right. On the other hand, I don't know this gentleman.

Senator METCALF. I don't either.

Congressman STEIGER. I know you don't, but it seems to me an automatic assumption that because the man is significant in the private sector, he is going to abuse his appointment, particularly if it is not visable to obvious conflict in his function.

I think the Commission ought to weigh it as an individual who has uniquely achieved a prominence while still retaining his concern for the Indian community.

I think that is a very important relationship, so I would hate to, just out of hand, because of appearance—I would rather we looked into it. Again, what we are talking about is travel, right?

Mr. GOETTING. Yes. Actually, Mr. Anderson checked with his company corporate lawyer to see whether or not this might be possible. As far as he could determine, they saw no conflict of interest in regard to the same subject. They have expressed that. They were worried about the same thing from the other end when they considered the proposition.

Commissioner BRUCE. Mr. Chairman, I want to make some comment about this because this gentleman I have known most of my life. He has always been, whether it is with Union Carbide or not, interested in Indian affairs. I have, many times, gotten him involved in projects on the reservation, and he has been willing to go, on his own, many times.

I persuaded him to consider this, and if we can work it out, it would be fine. He has background, he has talent, he has experience. I have worked with him in business, and I think he would be an added asset to the staff and to all of us in this area.

We are talking about divesting his interest. I was trying to save money for the Commission. So I asked him if they would be willing to assign him for a year or so. Maybe it isn't a year, but it will be 6 months anyway.

I want to point out that there are not many companies that would do this. This happens to be the only person I know. I know his qualifications and capabilities.

Senator HATFIELD. Mr. Chairman. I think there is also another distinction you should draw, and that is that this Commission is not a legislative commission; that is, we are not actually in the legislative forum, moving legislation; we make recommendations, and we have an advisory role.

In many instances, we, at the State level, involved in government, have called upon corporations and businesses for qualified people to lend their staff people on occasion for advisory purposes. I don't think that any State government could function without advisory committees and advisory commissions to perform great service on a voluntary basis.

Many of these people come out of labor unions, farm organizations, and business corporations. I support the Senator from Montana's basic premise, and he knows as a colleague on the Interior Committee, we are not only in the process of drawing up some policy that relates to those who come before us for confirmation, and for our own disclosures, and to reveal any conflicts of interest for Members of Congress.

I think we have all gotten on this great kick about conflict of interest. It has always been directed toward the executive branch of the Government. I think maybe we ought to examine some of our own legislative conflicts.

Congressman STEIGER. Now you have gone too far.

Congressman MEEDS. Now you have stopped preaching and gone to meddling.

Senator HATFIELD. I think Commissioner Bruce has stated it very well, and I would be very reluctant to reject the services of such a distinguished person, who I know nothing about except what I have heard from the staff and Commissioner, because he happens to be associated with Union Carbide.

We can discriminate in different ways and I think this is a kind of discrimination.

Senator METCALF. May I make one more point? I do not know this man, and I want to say that I am convinced that he is very competent and would be a great deal of value to the Commission. I just think, as a matter of principle, that I am not going to acquiesce in the employment of anybody who is on the payroll of AFL-CIO, United Auto Workers, Union Carbide, or the Montana Carbon Co.

Congressman STEIGER. Not necessarily in that order.

Senator METCALF. No. I think an appearance of conflict is just as important as actual conflict. Sam, I think this man has absolute integrity, he could work for Union Carbide and do this job, but I raise this question because I don't think we should put people on the payroll that may have a conflict.

Congressman STEIGER. May I make what I think is a very important distinction. If the gentleman were a member of the Commission, I would say that I think the problem that you point out would be germane.

What we are suggesting, by denying his employment, is that he is capable of seducing the entire Commission in some way, which I strongly doubt. And since we are neither administrative nor legislative, in effect, all we are doing is making recommendations, and we are going to be in a position to evaluate whatever the staff recommends.

I think we are so far removed from jeopardy that it would be very unfair to Mr. Bruce and his friend and to us, to deny his services.

Commissioner BRUCE. May I make one other comment? On the 13th of June, at our last meeting, he was here. I introduced him to all of you; he sat right down in front. He stayed all morning, and then he went back.

Congressman MEEDS. Question.

Chairman ABOUREZK. On the motion that has been stated, to put Mr. Anderson on at the minimum Senate salary of $2 per day, so that working for this Commission his expenses would be paid.

All those in favor will say "aye."

[A chorus of ayes.]

Chairman ABOUREZK. All those opposed, "no."

Senator METCALF. "No."

Chairman ABOUREZK. The ayes have it, the motion is carried.

I want to say that once again, I didn't see any conflict in this particular case, because I don't think there is any conflict between Union Carbide and Indian Affairs, as far as this Commission's work is concerned.

Senator METCALF. Mr. Chairman, I think there were some discreet arguments there on conflict of interest. I will continue to raise this question, and maybe I can be more eloquent and more persuasive in the future on some other situations.

Chairman ABOUREZK. Just by way of explaining: I didn't vote on this issue because Lee Metcalf reminded me, very joltingly, that that is the kind of principle that I have always stood for here, except I did not see any conflict here.

And I do think if we can get free services from people who are dedicated in this area of Indian affairs, I think we ought to take them, provided there is no conflict. So I just didn't vote. The motion did carry.

Congressman MEEDS. Mr. Chairman, before we get past the question, for the record, my understanding is you discussed this early in the meeting and missed me, but I would like to go back to it for a moment so we can get some formal resolution.

My understanding is that the transcript of the June 13 meeting was incomplete for a period of approximately 10 minutes. We will say the verbatim transcript of our June 13 meeting, and that this occurred at page 102 of the transcript, and the recorder had made a notation in the margin of the transcript at that point.

My staff also found this error and I would suggest that we correct it as follows, Mr. Chairman. That the official reporter use all diligence possible to recover that verbatim transcript if it can be done; I don't know if it can be.

And that if it is, that it be put back in the record as the official transcript. In the absence of that verbatim record, Ernestine Ducheneaux has recorded the general trend of the meeting, and I think everyone has a copy of her summary of that.

I would move, Mr. Chairman, that in the absence of the official record, the verbatim transcript, that her notes be made a part of the official record which is missing.

Chairman ABOUREZK. There has been a motion made. Is there a second?

Congressman STEIGER. I second.

Chairman ABOUREZK. Has everyone had a chance to look through the notes that Mrs. Ducheneaux made? What we did while you were gone was bring this up and give everybody some time to look over the notes and see if they thought that was the right thing. If everybody is ready to vote now, I will put the question.

All those in favor say "aye."

[A chorus of ayes.]

Chairman ABOUREZK. Those opposed, "no." [No response.] The ayes have it, the motion is carried.

[EDITOR'S NOTE: Ernestine Ducheneaux's summary was placed in the June 13, 1975, record as ordered.]

Ray, you have an adoption to the rules: What is that all about?

Mr. GOETTING. On the agenda there is an item for discussing the establishing of hearings and locations and adopting a few rules to govern our operations in carrying that out.

That is on the agenda, and whenever that point comes up, after the discussion and matter of accepting the rules, then will be the time to accept whatever it is.

This is just a reminder that we would require an acceptance of some rules to operate under. We need an expression from the Commission with respect to our proposal that is being placed on the agenda a little later.

Unless you want to go into that at the moment—I don't know.

Chairman ABOUREZK. We can do it then.

I want to bring up the point now that at the last meeting we agreed, as a Commission, to allow the Commission staff to hire interns and consultants on an as-needed basis, with two provisions. First of all, with the approval of the Chairman of the Commission, and second, with the right of veto by any member of the Commission. That is my understanding on what we agreed upon last time. Does anyone have any different understanding?

Congressman MEEDS. Mr. Chairman, I think I have a different understanding, at least my recollection of the official record.

My recollection is that the first part of what you said is correct; but, at least I didn't interpret it to be the right of any single member to veto any person on the staff, but rather to bring before the Commission that person, and if the Commission itself wanted to turn down that nomination or that appointment, then it could do so.

Chairman ABOUREZK. Your understanding was that the staff couldn't hire those people as they needed them?

Congressman MEEDS. As soon as they hired them, the résumés of their background and the notification of hiring was sent to each Commission member; and if a Commission member had an objection, that objection would be brought before the Commission.

Chairman ABOUREZK. My understanding was slightly different than that Lloyd. It was that the names of those people hired would be sent around to the individual—and the staff has the same understanding—Commission members and were subject to the right of veto.

I made that recommendation at the last meeting, and it was an effort on my part to be very democratic. In an effort to be democratic we determined, almost in total anarchy, because the staff feels very hamstrung by that provision.

There has been probably only one problem in that regard, not a very serious one as far as holding staff up in what they are doing, but Ernie Stevens, the staff director, tells me that he feels that with that restriction it makes it extremely difficult for the staff to operate, because they have got to spend all their time trying to contact Commission members.

And if there is a veto, then they have to go through the whole process all over again. I think it is perhaps too much to ask them to do.

What I am asking for is a different kind of understanding this time. That the staff director be allowed to put on, within the budget limitations we have already agreed upon, what staff he feels to be necessary, subject to the approval of the Chairman of the Commission. That means that he only has to check with one person.

Then, if any member of the Commission wants the résumés to be circulated and the names of people who have been hired; if any member of the Commission has an objection to somebody who has been hired, then that should be brought out at the Commission meeting.

I think personally the harmonious nature of this Commission, if somebody does have a serious objection, that we would probably all go along with that and just say that we can't hire that person.

I think that Ernie ought to have the right to put those people to work, because that is going to slow things down.

I will entertain a motion to that effect.

Congressman MEEDS. Mr. Chairman, may I make a suggestion first. Would it be too much to ask that the staff director hire, subject to the approval of the Chairman and Vice Chairman, and the remainder as so stated?

Chairman ABOUREZK. If that is the way you want it, that is fine with me.

That means you don't trust me.

Congressman MEEDS. I move that the staff director be permitted to hire staff, and we are talking about staff for the Commission at this point, right?

Chairman ABOUREZK. That is right. The Commission staff, not task force staff.

Congressman MEEDS. Subject to the approval of the Chairman and the Vice Chairman, with the right of any Commission member to thereafter bring the matter before the Commission. And upon disapproval of the majority of the full Commission, it would be terminated.

Chairman ABOUREZK. Is there a second?

Commissioner BORBRIDGE. Second.

Commissioner WHITECROW. I have a question. Does this motion also include the hiring of a task force specialist?

Chairman ABOUREZK. Only Commission staff.

Commissioner WHITECROW. I would anticipate that the task force members should have a major voice in selecting their own staff—that is why I am excluding that.

Congressman MEEDS. That is why I excluded it.

Commissioner BRUCE. Mr. Chairman, shouldn't you appoint an Indian to watch over both of you?

Chairman ABOUREZK. Are you saying that you can't trust us white guys?

The motion has been made and seconded. All those in favor respond by saying "aye."

[A chorus of ayes.]

Chairman ABOUREZK. Those opposed, "no." [No response.] The ayes have it, the motion is carried.

You have a motion?

Congressman STEIGER. Mr. Chairman, we have an opportunity to improve the structure of the Commission. Sandy MacNabb, I think most of you know, has obtained a commitment from the Labor Department that they would detail him to the Commission, at no cost to the Commission.

He is knowledgeable in BIA Indian affairs, and he has had association with the Indian community and NCAI affairs.

My motion, Mr. Chairman, would be that we provide a function, for lack of something better, a special counsel, in which we could avail ourselves of Mr. MacNabb's talents, if you will, to the staff and the Commission, with the understanding that he will be detailed to that function by the Labor Department.

Chairman ABOUREZK. Is there a second to that motion?

Commissioner DIAL. Second.

Chairman ABOUREZK. I would like to make a statement. Sandy is probably about as knowledgeable about the Bureau of Indian Affairs as anybody that I know of. He runs the CETA program for the Department of Labor. He is very willing to serve in any capacity that we want him to.

I think we would be well advised to take his services on a free basis. I think naming him as special counsel would be a great contribution.

Any other discussion?

Congressman MEEDS. Mr. Chairman, in the line of discussion, I have heard everyone speak very highly of Mr. MacNabb and I am in full accord with his being hired as special counsel.

I just would like to make the following observation. We do have a Task Force on Administration, and it would be the primary task of that task force to furnish a report on the relationship between Federal Government and the Indian people.

We hope Mr. MacNabb would not think it his duty to, in any way, interfere with that task force.

Chairman ABOUREZK. What do you mean by interfere?

Congressman MEEDS. From the discussion we had this morning, it is my understanding that there might have been, maybe it has been cleared up now——

Chairman ABOUREZK. Let me interrupt. He would only work on any task force at their request. That is the only way he could do it. There would be no way he would be able to muscle in any task force.

Congressman MEEDS. I just wanted the record to reflect that.

Congressman STEIGER. Question, Mr. Chairman.

Chairman ABOUREZK. All in favor say "aye."

[A chorus of ayes.]

Chairman ABOUREZK. Those opposed, "no." [No response.] The ayes have it.

The next item on the agenda we will take up, unless anybody else has any other business, will be a staff progress report.

Congressman MEEDS. Mr. Chairman, I would just say for the record now, that at the meeting of a group on task forces, some names were suggested to the Commission, by way of giving preendorsement for hiring as consultants.

That probably is not necessary now in view of the action which we took with regard to the new concept of hiring. But for the record, the people who were suggested by the task force as giving prior consent to their hiring as consultants were Jacob Thompson, Dr. Martin L. Brooks, Vine Deloria, Dr. Lucille Dawson, Gary McMinds, Chris McNeil, Taylor McKenzie, Hobart Jenkins, Dave Eliedes, Herbert Locklear, Dalton Peter Brooks, Thomas Roy Cloyd, and Ron Trosper.

Does staff have any further progress report?

Mr. STEVENS. Yes.

Congressman MEEDS. That will be the next order of business.

Commissioner WHITECROW. Mr. Chairman, may I also include in that list as being recommended, the names of two fine gentlemen available also for work: Mr. Robert Moore, executive director of Indian Commission on Alcoholism, and also Mr. John Shaw, a fine Osage Indian from the State of Oklahoma, who has been active in Indian health for many, many years. He would be an outstanding consultant on the Indian Health Task Force.

Congressman MEEDS. The record will reflect your suggestions.

Commissioner BRUCE. Mr. Chairman, is that the limit of our list, because the task forces need to have some special experience or background. Is there someway we can add to that list? I have maybe four others.

Congressman MEEDS. I think we are going to have to face the whole question of staff for the task forces as a separate item, at another time, after we have made our selections for task forces, I think we will have to take up task force staff.

But if you will recall the list of names which I read, it was a group which we, as a nominating group, were suggesting to the full Commission as being acceptable. The Commission giving its prior consent to the hiring of these people as consultants. So the staff wouldn't have to go through the problem of getting everyone's permission.

But in view of the fact that the rule has changed now in hiring staff, I just read the names into the record so that the action of the task force on task forces would be made a part of the record.

Senator METCALF. Mr. Chairman, I am going to submit another name for the record: Dale Donovan who is a neighbor of mine and a Ph. D.

Chairman ABOUREZK. Is this for a task force?

Senator METCALF. A consultant. In view of the change, I want to make the record clear as Jake did, and I am going to add another name, the name of Art L. MacDonald.

Chairman ABOUREZK. Any other discussion before we have the progress report?

Commissioner DIAL. Mr. Chairman, I believe there was one omission there by error. Did you read Dr. Thomas Roy Cloyd?

Congressman MEEDS. Yes.

Chairman ABOUREZK. All right, Ernie.

Mr. STEVENS. One of the things that I wanted to point out that is not in the report is that by our next meeting, we will have distributed an entire book numbered index. We have not been able to number the book because of the frequent changes and additions in procedures, rules and so on.

But before the next meeting, unless you have some special reason to keep what you have, we would be willing to either exchange with you or you can throw yours away and we will give you a complete book with everything that has been passed up to date and numbered.

The other thing that is not in the report is that we have been having telephone communication problems, and that has been corrected. I have notified the staff that when a Commissioner is calling, whoever it is, that there is a suspension of phone conversation and they immediately get on the line.

Some of the Commissioners have been having frustrations. Particularly me, but others also. I talked with Commissioner Bruce and he chewed me out for it. So, I have set that stipulation, so the important part of our conversations are run right through.

And then we have a different telephone setup too. We only had four lines and with these new people coming in, it is sometimes jammed.

In the progress report, it is further on in the agenda, in which you deal with the hearing schedules other than what it says in the report. I wanted to emphasize that the only things we did in terms of dividing the country by areas or suggesting sites, was only as a starting point for conversation.

We realize and we know that the Commission has to do that. But we thought, at your direction, however you decide to do it, and on the basis of the remarks in the transcripts of what you talked about in relation to hearing sites, how you wanted it set up and all of that, we can get the direction that we need to formalize how you want to deal with the hearings, the hearing schedules, and the processes related to it.

Our only purpose was not to propose those areas or propose those sites, it was as a starting point for conversation only.

Chairman ABOUREZK. Ernie, are you talking about full Commission hearings around the country rather than task force hearings?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. What do you envision by full Commission hearings? Under what subjects? I see probably when you first set this law up, we put in a provision about full Commission hearings, without having thought too much about task forces.

As the legislation moved over to the House, whatever it needs to put in there for the minimum 11 task forces and what have you, and allow them to go and gather all the testimony, the evidence, the facts and so on, and to do the research. I am not sure, right at this point, why I would see any need for full Commission hearings. That is what I am asking. Does anybody see a need for a full Commission hearing?

Mr. STEVENS. No, sir. It would seem to me, in the part of the agenda that calls for hearing schedules and procedures, that the Commission would discuss this type of thing, so we would be able to glean from the Commissioners what their opinions are in that.

We have no preconceived notions of any kind on how the Commission should proceed with hearings.

Congressman MEEDS. Mr. Chairman, my understanding is exactly as the Chairman's, that at least initially, the major work of the Commission would be done by the task forces. They would be the ones who would be involved in hearings. This may well be a good division of the country, as I see it on the map.

For practical purposes of the work of the Commission and the task forces, it looks like a very reasonable distribution.

Chairman ABOUREZK. Is that done by BIA areas by any chance?

Mr. STEVENS. No.

Chairman ABOUREZK. It is very practical.

Mr. STEVENS. Thank you.

Chairman ABOUREZK. We don't need any formal approval of that. Does anyone want to discuss it or make any changes? The staff will be open to any suggestions.

I did want to make a slight progress report. We had some amendments we discussed the last time: Amendments to the original law, housekeeping provisions that would allow us the franking privilege, that would allow us to accept volunteer services, and also to use people out of the administration.

The bill has been passed in the Senate, and we are just waiting for the House now.

Congressman MEEDS. I was advisory chairman, and Mr. Chairman, we will endeavor to get it passed as soon as possible. I will suggest that we take the Senate position of trying to get it to the subcommittee and full committee very rapidly. It is merely a housekeeping task, which should pass without any problem.

Chairman ABOUREZK. All right. Ernie.

Mr. STEVENS. In our task force work, we now have Gil Hall on staff, on core staff, as legal research person, and also Susan Ahn, as a research assistant. They have begun to communicate with those task force members who have already been selected and we are going forward through the process that has already been approved by the Commission.

We have begun to do preliminary research and I won't go into it except for a specific item. We gave the Department of the Interior a list, approximately that thick, citing specific opinions, and asked for all the Indian solicitors' opinions of any significance since the year 1, and asked for three copies. That is an example of the kind of research that we need to do.

We have already talked about D'Arcy McNickle, and enclosed in the front of your materials is a historical review which has been bylined by D'Arcy McNickle, that we might include in the book if you wish. But it gives an example of the type of writing that he does.

Congressman STEIGER. Mr. Chairman, I just had the opportunity to read the historical review in our folder. I really would urge the Commission to read it, and I think the record ought to reflect that as far as this Commissioner is concerned, it is the best capsulized analysis, not only of the significant historical dates but the attitudes.

I understand Mr. McNickle is now with us officially, but I would urge, that your asking us Ernie, if we think this ought to be included, I would say that it would be essential that this be included. It certainly is an excellent document.

Mr. STEVENS. Another thing that is not included in the report would be the next one, that I think I ought to tell you about since it happened recently.

I have taken two trips, one a personal trip with the Lumbee's which I enjoyed very much; that was not at Commission expense. The other was at Senator Abourezk's request.

I appeared on "A.M. New York," which I believe is a version of "A.M. America." At that time, Martin Seneca from the Bureau of Indian Affairs, and the fellow who did the documentary on the Paiutes, and I were guests. I just wanted to report that I think I acted in accordance with the dictates of the Commission and we designated Martin the bad guy and I was the good guy.

Congressman STEIGER. Very good.

Mr. STEVENS. I rode back with Martin who was complaining the whole way.

The report is there. The only other thing I think I ought to underline is the fact that we have initiated a financial statement and we are slightly behind on vouchers and all that.

But I just wanted to generally point out that we have stayed specifically within the budget by line item. We have been very careful about it. Our cost for fiscal year 1975 is $54,758.34. Our budget estimate was $75,385. We are slightly behind on work, but we are ahead on money so far.

The other thing that I wanted to make special notation of is that we have four interns that I would like to introduce, who are working for us very hard on research. They are summer students, and if they would raise their hands or stand, they are: Rick Emory, Kevin Gover, Bob Mele, and Tommy Bowman.

Senator METCALF. Would they stand please. Thank you.

Mr. STEVENS. And a new staff member, as Ada knows, is Susan Ahn. Susan worked with Ada all the way through the Menominee situation, so she is our "chief cook and bottle washer" for the task force core staff and research assistant.

Mr. Chairman, outside of what is written into the report, that is all I have to report.

Chairman ABOUREZK. All right. Thank you very much. Any questions?

Commissioner DIAL. Mr. Chairman, I would like to add to what he said. He did come down to Lumbee country and give one of the most moving speeches I have ever listened to.

He is an excellent speaker, and I suggest that if anyone needs a good speaker, they can call on Ernie Stevens—if he can find the time to get away from the office.

Chairman ABOUREZK. Stay out of sight.

Mr. STEVENS. By all means, sir.

Chairman ABOUREZK. The Task Force Selection Committee report will be given by Commissioner Meeds.

Congressman MEEDS. Thank you. The Task Force Selection Committee met and made recommendations for task forces to: First, fill the vacancies of approved task forces where the individuals approved by the full Commission had declined to serve; and second, to fill the additional task forces which were left unfilled at the last Commission meeting. Mr. Chairman, I will report them one at a time. Again, the Task Force Selection Committee considered these merely as nomina-

tions or recommendations by the selection committee, subject to the approval of the full Commission.

In each instance, we have nominated what we considered to be a sufficient number to give Commission members a proper selection.

In the last meeting we had selections made for Task Force No. 1, which were approved by the full committee: Vine Deloria, John Echohawk, and Oren Lyons.

After the approval of the full committee, both Vine Deloria and Oren Lyons declined to serve. The selection committee has therefore recommended that the following persons be nominated to that task force: Hank Adams, Gary Orfield, and Doug Nash.

On Task Force No. 1—why is the name Charlie Wilkinson for Task Force No. 1? That is not my recollection of what took place.

I have Hank Adams, Charlie Wilkinson, and Doug Nash. No. 1, Hank Adams; No. 2, Charlie Wilkinson; No. 3, Gary Orfield; and No. 4, Doug Nash.

Hank Adams had previously been selected and approved by the full Commission as a member of Task Force No. 4. It is the recommendation of the selection committee that if he is selected for Task Force No. 1, that he be removed from Task Force No. 4.

Senator METCALF. He prefers to be on Task Force No. 1?

Congressman MEEDS. That is my understanding. The chief counsel has talked to him personally and perhaps he can enlighten us.

Mr. KICKINGBIRD. He has some reluctance in leaving the jurisdiction. This is something he is very much interested in, and he also is interested in the treaty rights.

He said he would be agreeable to serving on Task Force No. 1, if he didn't have to resign from the jurisdiction first. He didn't want to be left out in the cold, because those are two subjects that he is very much interested in.

He is specifically interested in serving as chairman of Task Force No. 1.

Commissioner DIAL. Are you saying that he would serve only in No. 1 if he is chosen as chairman? Is that what he said?

Mr. KICKINGBIRD. He would only be serving on one task force.

Congressman STEIGER. Commissioner Dial's question was that his preference is to serve on No. 1 only if he is chairman.

Mr. KICKINGBIRD. That was my impression. He is very much interested in both subjects though.

Commissioner DEER. We are talking about Hank Adams? It is my feeling that we should leave him as we have previously decided. It has come to my attention that Mr. Adams has very strong feelings against tribal government, elected tribal leaders, and I feel that since this is his position, that having him as chairman of a major task force on treaties and trust, would not be the best resource for his talents.

It would be my suggestion that we leave him as we previously decided in Task Force No. 4.

Senator METCALF. Mr. Chairman, Hank Adams is a Montana Indian, a man who has heretofore been before our committee to testify. He is very capable, nevertheless, I don't have the information to respond to the allegations that Ada has.

Chairman ABOUREZK. What were the allegations?

Senator METCALF. She feels that he is opposed to tribal government; and if that were true, certainly I wouldn't want him.

Congressman STEIGER. Mr. Chairman, I have no idea of the basis of Ada's information, but I can only tell you that in working with Mr. Adams, both in my role on the committee as well as in the office, where we discussed on three or four occasions different matters.

I know that a year ago he certainly did not display anything that would make me believe that he was antitribal government. In fact, Mr. Adams, I would have to characterize as one of the strongest proponents of strong tribal government and one of the most articulate resistors of the BIA, overall, of tribal government not being able to function.

Mr. Adams is a proponent of tribal government's asserting themselves, I know that from my own dealing with him, and his position on the matters that I dealt with him.

Again, I don't think we should put him in a situation, if Commissioner Deer feels there is a problem, in having him on the other one. I have no feeling about that, but I want the record to reflect my own personal view, and that is, very definitely, the opposite of Ada's.

Chairman ABOUREZK. Which task force is he being recommended for? Is it changed over to No. 1?

Congressman MEEDS. Yes; Mr. Chairman. He is being recommended by the selection committee as chairman of Task Force No. 1.

Chairman ABOUREZK. Which is what?

Congressman MEEDS. Which is trust responsibility.

Chairman ABOUREZK. That is not tribal government task force is it?

Mr. KICKINGBIRD. No; this is trust responsibility and treaty rights.

Congressman STEIGER. He was one of the initial proponents of treaty rights, and my dealings with him have been in the area of treaty rights. Not only with the Montana people but also with the Washington people.

Senator METCALF. Mr. Chairman, he has been a leader in treaty rights, insisting in the carrying out of treaties, not only as I said, in the Montana area, but nationally.

I can't respond to the allegations that Ada has made, but that has not been my experience in a longtime relationship with Hank Adams, who I feel is one of the outstanding Indian leaders in America.

Chairman ABOUREZK. I would like to add to that. I have had Hank before my subcommittee, especially on treaty provisions, and he has been awfully strong in those things. It would seem to me, as I said last time, Hank is quite an intellectual.

In fact, amongst the Indian communities, he has been one of the leading intellectuals. He is a great thinker.

It seems to me that if there is an indication that he would move over to Task Force No. 1, that we would be well served by it.

Congressman MEEDS. Mr. Chairman, may I speak briefly of the other nominees? Charlie Wilkinson is a non-Indian who is a lawyer, who has in the immediate past been employed by the Native American Rights, and was probably, with the help of another lawyer, the leading lawyer in the Menominee restoration movement, and worked very closely with Ada Deer.

I worked very closely with him, and I think he is not only extremely bright and capable, but is well motivated and knows Indian law very well.

I do personally know Gary Orfield, who is a non-Indian. I think he is a historian, who is also very much involved in the history of the Menominee people and the Menominee restoration.

I do not know Doug Nash personally, so someone else can speak of Doug Nash, but those are the nominees.

Commissioner DEER. I can speak very highly of the work of Charlie Wilkinson and Gary Orfield. They have both been invaluable to our tribe and our work on restoration.

I can speak highly of Mr. Nash's work. He is an attorney and he was formerly with the Native American Rights Fund. It would be my suggestion that you all have some of the information.

Charlie Wilkinson, with another author, has published a major article on treaties, which I think is available in our packet.

With all due respect to Mr. Wilkinson and Mr. Orfield, I think they would also be available as consultants, and I would like to see us fill these slots with qualified Indians. I know we could call on both of them with their expertise, as consultants.

Congressman STEIGER. Mr. Chairman, I would like to make the point, that I think it would be very important, and I really don't know why we placed Mr. Adams where we did at the last meeting, but I am sure there was good and proper reason.

But it occurs to me that it would be very difficult to find an Indian who has involved himself more intelligently and vigorously in the entire treaty matter than Hank Adams. And we would be awfully well served by Hank, who has expressed his interest. We would be neglecting the expertise and experience as well as the advocacy that I think would be irresponsible for us to neglect.

I share the chairman of the nominating committee's lack of knowledge of Mr. Nash. I am not giving any comparative situation here because I am not qualified to discuss the others. But I want the record again to reflect, not only what amounts to rejection of Ada's characterization of him, but my very strong advocacy of him in the role as chairman of the treaties because of his unique combination of expertise, advocacy, and articulateness.

I think that is something that I am in a position to make a valued judgment on. What I am saying is that I hope whatever else we do on this task force, that we do name Hank as the chairman. Thank you.

Congressman MEEDS. Mr. Chairman, are there further nominations for Task Force No. 1?

Commissioner WHITECROW. I would like to speak a little bit on some of the past action. I think at our previous meeting in June, we covered the qualifications of Mr. Adams quite thoroughly, and I personally supported his appointment to Task Force No. 4.

Inasmuch as it has already been announced publicly, nationally, the whole Indian world is looking at us, and if we should make some changes now, regardless in this respect, you are not going to be using Mr. Adam's expertise in this field, and I personally feel that we should retain him in his current postition, because he is one of the most valuable in the area of travel and State jurisdiction.

This also involves the utilization of knowledge in regard to treaty review. And I feel that if you change him, we are going to be creating an allusion of uncertainty in the Indian world itself, because they are already knowledgeable about the fact that he is serving on Task Force No. 4 in travel and State jurisdiction.

Therefore, I would recommend that we retain him on Task Force No. 4.

I would like to nominate a name that I think would possibly gain us a great deal of respect insofar as gaining the respect of the total Indian community.

I am looking at one of the States that is really not represented in the task forces. I would like to submit the name of a former tribal chairman of the San Felipe's in New Mexico and that is Frank Tenario on Task Force No. 1.

Mr. Tenario has a great deal of expertise and is a very knowledgeable individual. He is familiar with the treaty and the trust responsibility, and he certainly is a grassroots Indian. I would like to submit that name as a nomination.

Chairman ABOUREZK. Frank Tenario's name has been received in nomination for Task Force No. 1.

I want to say a word about Frank Tenario. I lived with Frank for 2 days last week, and he is a hell of a man. I heard your assessment of Frank. He is also secretary of the All Pueblo Council, and he is a highly respected person by all the Pueblo's there.

I would tend to disagree with your assessment of Hank Adams; but whatever, I would like to see Frank Tenario on some task force because he is really a valuable man.

Commissioner DEER. I would like to speak on behalf of Mr. Tenario. In my travels I have met with him, and spoken with him and been impressed with his involvement, his responsibilities, his sense of dedication to his people.

I understand that he is quite involved in a water rights controversy there, and we would do well in placing him in a capacity here.

Commissioner DIAL. Mr. Chairman, call for the question.

Chairman ABOUREZK. Are there no further nominations? We will vote by ballot. We need to vote for two people.

Commissioner BRUCE. May I ask a question? One of the Commissioners recommended that Charlie Wilkinson and Gary Orfield are to be consultants. Are they considered or what?

Chairman ABOUREZK. They are people recommended for the task force, let me read this off: Charlie Wilkinson, Gary Orfield, Doug Nash, Hank Adams, and Frank Tenario. Ada did state that Wilkinson and Orfield would be available as consultants, and I think she is probably right that they would be very good people to have as assistants on this task force, whether or not they are named as task force members.

Let me remind you that the first person that you list, unless you so state, will be considered to be your choice for chairman of the task force. So when you put, at the top of your ballot, Task Force No. 1, because we save these ballots separately.

Task Force No. 1: You have two choices on this ballot because we already have one person, John Echohawk who was selected last time. We have two more positions to fill.

So where you have No. 1, unless you designate somebody else that would be your choice as chairman on the ballot.

Senator HATFIELD. Mr. Chairman, do you mean that John Echohawk is not eligible to become chairman?

Chairman ABOUREZK. He could be. You would have to list that separately if you want him to become chairman, but he is already selected. You would have to write that down below your other selections.

Commissioner DIAL. The vote is for two, right?

Chairman ABOUREZK. Two out of the five recommended for two slots. If you want John Echohawk as chairman, you have to list that separately.

Congressman YATES. Mr. Chairman, may I ask a question? Jake indicated that the Indian world had accepted Adams as a member of Task Force No. 4. Does that mean that Jake would think that he shouldn't be a member of Task Force No. 1, neither chairman or a member?

Chairman ABOUREZK. I think that is Jake's personal indication.

Congressman YATES. He didn't answer the question.

Commissioner WHITECROW. Mr. Chairman, I would like to state my personal feelings here, that I think we should leave Mr. Adams where he is on Task Force No. 4.

Chairman ABOUREZK. That was just your argument, right Jake?

Commissioner WHITECROW. Right.

Chairman ABOUREZK. Has everybody voted? This one does not have Task Force No. 1, I will mark it in in pencil.

Mr. GOETTING. The results of the vote: Tenario got six votes, one of which was chairman; Adams got seven votes, six of which were chairman; Nash got eight votes, two of which were chairman.

The results are: Adams as chairman, Nash and Echohawk as the three members of the task force.

Chairman ABOUREZK. There are a couple of more votes that didn't mark the task force at the top, please take care of that.

May I make a suggestion, Lloyd?

Congressman MEEDS. There were two votes for Tenario as chairman.

Chairman ABOUREZK. All right, let's count again: Tenario and Adams; Tenario and Nash, Echohawk as chairman; Adams, chairman, Tenario; Nash, chairman, Tenario; Adams, chairman, Doug Nash; Adams, chairman, Doug Nash; Adams, chairman, Doug Nash; Nash, chairman, Tenario; Adams, chairman, Doug Nash; Tenario, chairman, Nash; Adams, chairman, Tenario.

It is seven and seven and Nash has eight votes. We will have to have a runoff between the two second-place people.

Senator HATFIELD. Are we going to vote for chairman separately?

Chairman ABOUREZK. We are going to have to. I think that will be much clearer.

Now the question is: Do we do the runoff between the two second-place ties or do you want to throw them all back in the pot.

Congressman MEEDS. I don't think that would be proper Mr. Chairman, to throw them back in, because Mr. Nash has received the most votes.

Chairman ABOUREZK. The Commission has the right to change their mind.

Congressman MEEDS. I would suggest we vote first, Mr. Chairman, on who should serve, Mr. Adams or Mr. Tenario, and after that, we will have an election between the three people to determine who is chairman.

Congressman STEIGER. That is the clearest way to do it.

Chairman ABOUREZK. Let's do it that way.

Task Force No. 1, put runoff. This vote is between Adams and Tenario. This is just for membership on this task force.

All right, that is six to five for Adams. So now we have Echohawk, Adams, and Nash, which one do you want to be chairman. Put Task

Force No. 1 at the top of your ballot, ballot No. 3 at the top of your ballot, and we will vote for one as chairman.

It is 10 to 1 for Adams.

Senator HATFIELD. Mr. Chairman, I would ask if the Congressmen would indulge me just one moment, in that the Senate is now in session and I have to be the manager of the floor bill. I will have to ask to be excused, but before I do so, I would like to just make two brief comments, about two other task force members, because I will not be able to return, at least for 2 or 3 hours. I hope it will be no later than that.

May I do that, Mr. Chairman?

Chairman ABOUREZK. Go right ahead.

Senator HATFIELD. Mr. Ken Smith is listed on Task Force No. 7, which is the reservation development. I would just like to say that during this Commission's life, I hope we will have a chance to visit Warm Springs Reservation, Oreg.

This is probably, according to most of the experts in the field, one of the outstanding examples of any reservation development in the entire country.

Confederated Tribes of Warm Springs have maintained a land base, and Ken Smith, a young man who started out working with the tribe, as a member of the tribe, as an accountant, and he has been primarily involved in helping to develop a payroll which was a few thousand dollars in 1965, up to a payroll now of $6.2 million on the reservation. Conita, is one of the finest resorts in our Pacific Northwest.

Unemployment of the tribe was 58 percent in 1965, and in this period of time, it has dropped to 12 percent. And I think this is, again, an example of a man who is not only involved in tribal development, but he is very much involved in some off-the-reservation activities as well.

I strongly recommend his consideration.

The other person is Bob Bojorcas, who is a nominee on Task Force No. 10, which is terminated tribes. The Congressman from Illinois, as well as the Congressman from Washington, and the Congressman from Arizona, all members of the Interior Committee, all realized that termination of the Klamath has been one of the very major involvements of the Congress. The termination problems there began in 1954, and we are now still trying to buy the property and maintain the integrity of the Indian timberlands there.

Bob Bojorcas is another individual of the Klamath Tribe; he has worked very diligently in trying to help that tribe, and has been involved in an organization—Forgotten Americans—the Indian Education Institute, urban Indians program; he is highly educated and a very outstanding person.

I would just like to make strong recommendations for two outstanding young men. Thank you.

Congressman MEEDS. Thank you Senator, for the discussion on both of these individuals. I can personally testify that what he said is absolutely true. They are both of very high caliber.

Senator HATFIELD. Bob Bojorcas is also involved in western Washington in your State, too.

Congressman MEEDS. That is correct.

Mr. Chairman, with the Commission's permission then, I would like to move to Task Force No. 4, to fill the vacancy created by the selection of Mr. Adams to Task Force No. 1.

Chairman ABOUREZK. Is that all right with everybody? I think we ought to do that now.

I would like to, if I might, make a nomination to that task force. I would like to nominate Frank Tenario.

Commissioner DIAL. I was just about to suggest that before he leaves that we go to No. 10 and give him a chance to vote since he is getting ready to leave.

Chairman ABOUREZK. He is going to leave his proxy with me, and his staff will be here to tell me how to vote.

Senator HATFIELD. I will put them down specifically.

Chairman ABOUREZK. During your absence, per your instructions, I will vote this and all others I will use my judgment on.

Senator HATFIELD. Yes. My counselors are on either side.

Congressman STEIGER. In the interest of expediting the process, I would like to make a unanimous consent request to the Commission with respect to Commissioner Dial's nomination of Frank Tenario as chairman. I am sorry it was yours, I am sorry, Commissioner Dial.

Chairman ABOUREZK. I think Adolph was just getting ready to do that.

Commissioner DIAL. I was only suggesting that we vote——

Congressman STEIGER. It was the Chair's nomination. If it is a problem I will withdraw it; if it isn't and that is what we would like to do, I would like to do it now.

Chairman ABOUREZK. How do you feel about it?

Congressman MEEDS. I would have to object so that I can put in the suggestions for nominating the selection committee group.

Mr. Chairman, the nominations of the selection committee group are: Alan Parker and Matthew Calac. We also suggested Charlie Wilkinson, but he has informed us that he would not consider.

Chairman ABOUREZK. Matt Calac, we also put on No. 2.

Congressman MEEDS. Not according to my notes.

Chairman ABOUREZK. We have got him on No. 2.

Congressman MEEDS. That is the thing that has been handed to us, but my notes, which were taken on the occasion, indicate he was nominated for Task Force No. 4.

Mr. STEVENS. Yes, sir; that is correct. That is an error.

Chairman ABOUREZK. Then this is a mistake having him on No. 2. All right, Calac, and who is the other?

Congressman MEEDS. Alan Parker. Make sure there are no mistakes on the one you handed out.

Mr. Chairman, I cannot speak on behalf of either of these gentlemen since I do not personally know who they are. Maybe someone can.

Senator METCALF. I know Alan Parker. He is from the Rocky Bay Reservation, Chippewa-Cree. He is an active Indian leader out there. I didn't nominate him.

I keep bringing up Teddy Rising Sun. As all of you know, he is one of the most respected Indian leaders in the State of Montana. Alan Parker is an outstanding Indian leader, and he has done a great deal for the development of the recreation facilities on the Rocky Bay Reservation, he has inspired self-help housing under the Self-Help Housing Act, and has been a tribal leader.

I would hope that Alan would be put on this task force and made chairman.

Chairman ABOUREZK. Of the jurisdiction task force?

Senator METCALF. Task Force No. 2, tribal government.

Chairman ABOUREZK. We are trying to fill Hank Adam's——

Congressman MEEDS. The problem is, Mr. Chairman, we have nominated Mr. Parker for two positions.

Chairman ABOUREZK. That is not a mistake, is it?

Congressman MEEDS. No; it is not.

Senator METCALF. He would rather be on Task Force No. 2. I would hope we would take Task Force No. 2 so we can discuss Mr. Parker before we get down to No. 4, and if we have eliminated him on No. 2, then we could accept him there.

Commissioner DEER. Has staff had contact with Mr. Parker? My understanding is that he is more interested in Task Force No. 2, but I would like to have some additional clarification.

Chairman ABOUREZK. He was contacted. Ray have you contacted Alan Parker?

Mr. GOETTING. Yes; as far as I know he was contacted.

Chairman ABOUREZK. What is his potential?

Mr. GOETTING. I am not sure.

Senator METCALF. Alan Parker wants to be on Task Force No. 2.

Chairman ABOUREZK. Lee has been in contact with him.

Senator METCALF. However, if he is not on No. 2, he would be interested in being on Task Force No. 4. He has been nominated for both by Congressman Meeds and his committee. I feel that Alan Parker is an innovative leader in tribal government, and would make an excellent contribution to Task Force No. 2.

That is why I would like to have us consider Task Force No. 2 first.

Congressman MEEDS. Mr. Chairman, I would like to withdraw the nominations for Task Force No. 4, in order that we can go forward with the selection for Task Force No. 2.

Chairman ABOUREZK. Is there any objection to the request? No objection, then that's the order. We are on Task Force No. 2, go ahead.

Congressman MEEDS. The nominations of the selection committee are as follows: No. 1 and chairman, Alan Parker; No. 2, Wilbur Atcitty; No. 3, Jeffrey Flute; and No. 4, Melvin White Eagle.

Chairman ABOUREZK. From Standing Rock.

Mr. STEVENS. He declined, sir.

Chairman ABOUREZK. These are the nominations for Task Force No. 2.

Congressman MEEDS. Yes, sir.

Chairman ABOUREZK. All right. Can I make a statement right at this point, with the permission of the Commission?

I understand Alan Parker wants to serve on Task Force No. 2. Before we withdrew the jurisdiction task force consideration here, I nominated Frank Tenario.

With your permission I would like to nominate Frank Tenario on the tribal government Task Force No. 2, and ask that Alan Parker be transferred over to Task Force No. 4 to fill that spot.

The reason I say that is that Tenario is a very strong tribal government member. He is governor of his own pueblo. He is secretary of the All Pueblo Council, and really has more dealing with tribal government than he has with the question of jurisdiction.

The question of jurisdiction is more prevalent up in our part of the country. What do you think of that idea?

Senator METCALF. I will respectfully defer to the chairman.

Congressman MEEDS. He is just making a nomination.

Chairman ABOUREZK. Yes; I am just making a nomination. I suggest that as a way to get this thing in.

Senator METCALF. I feel that Alan Parker can make a contribution in several of these areas. I am appreciative of the fact that he was nominated on Task Force No. 2, because he has been an outstanding tribal chairman, and made an outstanding contribution to tribal government.

At Rocky Bay Reservation he has been an innovative chairman, and I respectfully wanted his name brought up. Let's vote on it, and we will come back to No. 4 further down.

Congressman MEEDS. Mr. Chairman, I would like to report further on one of the nominees, Wilbur Atcitty, a Navajo, and I suggest to the Commission members that I think it is important that we get a Navajo, because they are a member of the total Indian picture.

Wilbur Atcitty is administrative assistant for the tribal chairman, and has a very fine background, he is a graduate engineer, I believe, and a fine administrator. He has been very much involved in tribal government.

I would strongly suggest that he be selected.

Congressman STEIGER. Mr. Chairman, I think the Commission ought to be aware that this is a perfect spot for Wilbur Atcitty. He is a politician, he had the wisdom to head the Hang Sam Steiger Force, which was very successful.

He also understands more about Indian politics, and I am very serious, he understands Indian politics on the Navajo Reservation as well as any living human, and believe me, that is no small accomplishment.

Congressman MEEDS. How could such a discerning person want to hang Sam Steiger?

Congressman STEIGER. I think all great individuals are entitled to one or two hangs. Actually, with Wilbur, I hope that you are not going to vote for him just because he is a Navajo, because he, as an individual, would be a perfect member of this particular task force.

Chairman ABOUREZK. I think the observation that anybody who was against Sam Steiger can't be all bad, would hold true in this instance.

If I might, I would like to say that we don't really have the Sioux tribal person that we have in Sam Deloria who doesn't live on the Sioux Reservation.

Jerry Flute is chairman of the Sissetor-Wahpeton Tribes and one of the sharpest people I know. He went through a very bitter lawsuit over jurisdiction of that reservation and lost recently; and he would be a very valuable addition to this Commission.

I think we ought to have someone from that part of the country also, but aside from that, he is highly qualified for this job. So I would just like to make a pitch for Jerry Flute.

Congressman YATES. I wanted to state that Wilbur Atcitty has appeared before my appropriations subcommittee, and conducted himself in a very impressive manner. He was knowledgeable, he was logical, he was emotional, he was aware of all the facts that surrounded his presentation, and I found him to be a most impressive person.

I don't know any of the others, but I do know that I was very much impressed with Atcitty.

Commissioner BRUCE. Mr. Chairman, I would like to make an additional nomination here that I received yesterday, and that is Matt Calac.

I don't know where we have task force people, and I see California is lacking.

Matt is a Rincon Indian, and a former vice president of NACI, and the California Indian Tribal Council endorses him, and I would like to put in his name.

Chairman ABOUREZK. Matt Calac has been nominated to Task Force No. 2. Any other nominations? Any other discussions? All right.

Let me read the nominees off again before we vote. This is Task Force No. 2. Alan Parker, Matt Calac, Wilbur Atcitty, Jerry Flute, and Frank Tenario.

Let's do it this way, let's just vote for members and then we will come back and vote for chairman.

Congressman YATES. How many members do we want?

Chairman ABOUREZK. Three. Vote for three.

Mr. GOETTING. The tabulation is: Alan Parker with 7; Wilbur Atcitty with 11; Jerry Flute with 8; Matt Calac with 1; Frank Tenario with 6. The three highest are: Wilbur Atcitty, No. 1; Jerry Flute, No. 2; Alan Parker, No. 3.

Chairman ABOUREZK. Let's vote for chairman, and then we will knock off for lunch.

Senator METCALF. Mr. Chairman, I would like to have unanimous consent for Atcitty as chairman.

Congressman STEIGER. I think that the nominating committee apparently, as I understand it Lloyd, intended that Mr. Parker be chairman.

Congressman MEEDS. That was the report of the nominating committee.

Chairman ABOUREZK. I think I have to give deference to that.

Senator METCALF. I would withdraw that. Alan Parker is a Montanan and I am not going to vote for him.

Chairman ABOUREZK. It is Atcitty, Parker, and Flute. Let's vote for the chairman: either Atcitty, Parker, or Flute. Write Task Force No. 2, chairman.

It is six to five for Atcitty.

Let's adjourn for lunch. We will come back in 1½ hours, at 2 o'clock All right. We will come back at 1:30.

[Whereupon, at 12:30 p.m., the hearing was recessed to reconvene at 1:30 p.m., this same day.]

Chairman ABOUREZK. We will turn it over to Lloyd. We have to go vote.

Congressman MEEDS [presiding]. Does the staff have anything else to be considered?

We could discuss the matter of selection of task force staff. We differentiated between the Commission staff and task force staff primarily because those of us that have discussed it felt the task force director should have considerable input in the selection of the permanent staff.

Do we have any views of the other Commissioners on that?

Congressman YATES. I have nothing specific. I must say I have a meeting with my subcommittee. I am finishing up my report for my appropriations bill at 2 o'clock.

We are all through, pretty much, aren't we?

Mr. STEVENS. Yes, sir; except the last task forces.

Congressman YATES. I will give my proxy.

Congressman MEEDS. Louis Bruce, do you have anything to say about the selection of task force staff?

Is there any discussion?

I know the chairman and I both feel that task force director should have considerable input in the selection of that task force staff. How do you feel about that?

Commissioner BORBRIDGE. Mr. Chairman, in terms of the director: Do you mean by that——

Congressman MEEDS. Task force director. Director of Task Force No. 1, or the chairman of it.

Commissioner BORBRIDGE. Would it be helpful, Mr. Chairman, if we could distinguish between core staff, and we have the task force staff and we would have reference to task force specialist?

Congressman MEEDS. Maybe I should use the exact terminology. In this I am referring only to the task force specialist, or permanent task force staff person.

Whereas, under the positions we have thus far adopted, the task force chairman on a task force has one staff person full time. I have discussed it with the chairman, and we both feel that the task force chairman should have considerable input in that sense.

We have already covered the other staff by the resolution this morning, but not this one—task force specialist.

Commissioner BRUCE. Do we still have to vote on the task force specialist?

Congressman MEEDS. I would think, at the present time, what we ought to do is probably make some provision to get, first, the input of the task force chairmen, and then reserve for ourselves, of course, the right to override if we disagree totally, but I think we would do that only on extremes.

Maybe we could get a resolution which would provide, in effect, that task force specialists would be selected by the chairmen of the task forces involved, subject to ratification by the full Commission.

This would mean, in effect, that the task force chairman could make the selection of the task force specialist, and proceed as though it had been done, subject to ratification.

Commissioner WHITECROW. Mr. Chairman, I would think that this would be a logical approach to this kind of situation because, once we get the task force chairmen named, it is most important that we allow that particular task force to begin immediately making preparations to accomplish their work schedule.

In regard to this, I think it is very important that the Commission itself maintain some authority in this regard in order to more or less be sure that the task force itself is well balanced.

Congressman MEEDS. When we get a quorum, I will present that motion.

Any other matters which should be brought before the Commission?

Commissioner WHITECROW. Mr. Chairman, I have one.

I discussed this with Senator Abourezk prior to the luncheon, and I thought perhaps I might make it a matter of record here. Maybe it is not a matter of record, but just a question.

It seems to me that we did take care of the situation that when tribes or groups of tribes invited any members of the Commission to present the work of the Commission to them, that they should direct this to the staff.

Did we not pass a motion that would allow us to make this kind of presentation to tribes or tribal groups on the work of the Commission itself by Commissioners?

Mr. GOETTING. I think we did.

Commissioner WHITECROW. That is what I was thinking, but I wasn't quite sure. I couldn't find anything in our volume of information.

Congressman MEEDS. Can the staff respond to that?

Mr. GOETTING. I think there was a comment, in one of the first meetings we had, about how the Commissioners might be called on by tribes, and so on, to express progress, although I am not sure to what extent we need to get clearance.

There was a question of how you might go about doing this, because rather than being called to attend a lot of meetings independently, there was some coordination required as I recall the conversation, although I don't know about resolution.

I would have to review that. I think it was at the May 2 Commission meeting. I would have to review those minutes. I believe that was when the discussion took place.

Commissioner WHITECROW. The reason I bring this query up is the fact that I have had a request to appear before the five-tribe intercouncil in Oklahoma to bring the workings of the Commission up to date. To bring about a little bit better report, a little bit better information, to those members representing about 75,000 people.

Mr. STEVENS. Mr. Chairman, as far as I know, we have provisions to do that. I suppose you could talk to the Chairman and Vice Chairman, and we will accomplish the work necessary to do that. It is no problem.

Congressman MEEDS. Any other matters that need to be brought up?

I have a question of Stan. I think we approved this morning, by resolution, the hiring of D'Arcy McNickle. Is this the story?

Mr. STEVENS. Yes, sir.

Congressman MEEDS. Was somebody else mentioned also?

Mr. STEVENS. Yes. Ron Trosper.

Congressman MEEDS. What has been done about that?

Mr. STEVENS. That was passed.

Congressman MEEDS. We are going to have two?

Mrs. DUCHENEAUX. One as a consultant. Trosper is a consultant.

Mr. STEVENS. I can clarify that Mr. Chairman.

We had an advertisement for a statistical analyst and we don't have the kind of response that we need now. He is a University of Washington professor in economics who is free for the summer and who is into statistics—especially economics.

He has got about a month and I thought we could use him until we pick somebody up. That was the reason for that.

Congressman MEEDS. We are just going to use him on a temporary basis?

Mr. STEVENS. Yes, sir. He is a Flathead.

Congressman MEEDS. He is not filling a permanent position that you are advertising for?

Mr. STEVENS. No.

Congressman MEEDS. Any other matter to discuss with the Commission?

Mr. STEVENS. I would like to add, sir, that he is on the consultant list that you recommended. We just needed him to act as a pinch-hitter.

Congressman MEEDS. You might give us a report on the lawsuit as we are sitting here waiting.

Mr. KICKINGBIRD. The only additional thing I can add to Mr. Pittle's presentation this morning is that he presented us both the interrogatories that he has proposed to this date and also the proposed answer, which we will be reviewing this weekend and returning to him Monday or Tuesday so he can file probably Wednesday or Thursday of this coming week.

I believe we now have all of the requests from the Indian members of the Commission which the Justice Department has asked for, just to clarify their authority to represent them in this suit.

Although they verbally authorized me to make the request in May, the Justice Department wanted to follow it up and has, to make sure there is no uncertainty about their authority to act in our behalf.

Mr. DAY. Do you know if your Senator has submitted any kind of a request on representation?

Mrs. TENENBAUM. No; initially he said it wasn't necessary.

His response was to a request that he submit a letter; he would provide you a copy of the letter.

Mr. STEVENS. I will make those arrangements Monday and we can hand carry that after we have reviewed this response to make sure we don't have any gaps or problems about Justice Department representation so we can have that Monday.

That is about all I have.

Congressman MEEDS. It is my understanding that you informed all the Commissioners that they should individually indicate their Justice Department dates to be represented by the Justice Department.

Mr. KICKINGBIRD. And Justice was asking for it.

Congressman MEEDS. Who has not done so?

Mr. KICKINGBIRD. I believe it ought to be Senator Metcalf because Justice has asked for a letter from each one of them to make the record

clear. So we will get all of that done and get that filed before the end of next week.

One additional item that would be helpful to us with respect to the lawsuit. We are receiving a number of letters and telegrams from various tribes indicating that they are not a party to, nor do they wish to support the NTCA lawsuit.

Some of you sent copies of those to our office, and some have come directly. Just to make certain that we have a complete file on that, we will probably check with you next week, but if some additional ones have come in this week, or since the staff has last discussed it with you, we would like to have additional copies from tribes disavowng their participation in this suit.

It would be merely backup material that would be useful in showing that the NTCA did not have the authority which they asserted when they asserted this suit.

Congressman MEEDS. On the task forces now.

The first task forces which we named and the corrections that we made today because of the failure of some of them to serve. They would be launced when? The 21st of July?

Mr. STEVENS. Yes, sir. There are four on the 21st of July, and the next two groups on August 4 and August 18. You have to approve the scope on a couple of those yet. I will take that up with you next week.

Congressman MEEDS. Why is that?

Mr. STEVENS. We split on the one and you didn't have the one on alcoholism.

Congressman MEEDS. I see.

Mr. STEVENS. We have to redo that.

Congressman MEEDS. To do the one on alcoholism and redo the ones on urban, and nonfederally recognized.

Mr. STEVENS. They are in the packets but they haven't been approved. You can do that at your pleasure.

Congressman MEEDS. The chair is back now. We will proceed.

Mr. Chairman, we discussed the selection of task force specialists and, in your absence, I think it was the consensus of the group that we set up some kind of procedure so that the initial input for task force specialist be had by the chairman of the task force involved, and I would be prepared to move that.

Chairman ABOUREZK. Go ahead.

Congressman MEEDS. I would move that task force specialists, one person for each task force, is to be selected by the chairman of the task force and that that be ratified by the full Commission. In explanation of that motion—I use the word ratify because I expect the task force specialist to start working and only if the task force specialist is not acceptable to the full Commission, that it would be turned down.

Chairman ABOUREZK. Is there a second to the motion?

Congressman STEIGER. Second.

I am sure that there is a rationale—I am sorry I missed the discussion—on why we want this person to be selected by the chairman and confirmed by the whole task force and then subject to disapproval of the Commission. Is that implicit?

Congressman MEEDS. In using the word "confirmed," it seemed to me that the person would not be actually hired until he was confirmed. On the other hand, if we use the word "ratify," the person would be actually hired and employed until he was disapproved.

Chairman ABOUREZK. This is by consultation with other members of the task force.

Congressman STEIGER. What I am concerned about is if you hire somebody that is not acceptable to the other members of the task force—I was just wondering if that is what you intended?

Congressman MEEDS. That is exactly what I intended.

Congressman STEIGER. In other words, as far as you are concerned, even if the other task force members object, the chairman should have the right to hire them?

Congressman MEEDS. It is subject to ratification.

Congressman STEIGER. Of the whole Commission—not of that task force?

Congressman MEEDS. That is what I said.

Chairman ABOUREZK. Sam said, by a three-member task force, he wants them all to pretty much agree on who the guy is.

Congressman STEIGER. My only point is: If the chairman picks somebody that is not acceptable initially to members of the task force, they ought to have the opportunity to express it.

The way you phrased the motion it would go from the chair to the Commission. I was wondering if that was your intention.

Chairman ABOUREZK. I would offer modification to that amendment that the task force chairman pick the person with consultation with members of the task force, subject to ratification, but they start work as soon as he is picked.

Congressman MEEDS. I think that is a good modification. I accept the chairman's amendment to my motion.

Chairman ABOUREZK. Adolph Dial seconds the amendment. Any further discussion? If not, all those in favor say "aye."

[A chorus of ayes.]

Chairman ABOUREZK. Opposed?

[No response.]

Chairman ABOUREZK. The motion is carried. The ayes have it, the motion is carried.

Vice Chairman Meeds.

Congressman MEEDS. We now move to Task Force No. 4.

Here we have one opening, in which we had moved from in order to settle the question of Mr. Parker, which has now been settled—he is on Task Force No. 2. So the suggestion then, of the selecting committee would be Matthew Calac.

Chairman ABOUREZK. Have you had one nomination?

Congressman MEEDS. We had others, but they did not agree to serve.

Senator METCALF. I have a nomination. Mr. Iliff McKay, who has been a leader in the Blackfoot Tribe for as long as I have been in Congress.

I remember back on those desolate years when Mr. McKay—Morgan was Secretary of Interior. I would have said, we are two McKays, except we are on different sides of the fence.

Lloyd perhaps would remember: McKay, as Secretary of Interior said, in the Eisenhower administration----

Chairman ABOUREZK. He was Secretary of the Interior?

Senator METCALF. Yes, sir. Not Iliff, but his namesake, and I took him on in those days. If you remember, we didn't have anybody from Oregon on the Democratic side. Thanks to Mr. McKay as Secretary of

Interior we had an outstanding group of environmentalists coming from the Oregon group.

So anyway, I have known Iliff as a politician—and believe me, Indian politics is even more difficult than Montana politics—I have known Iliff as a leader, so I would like to nominate him for this.

Chairman ABOUREZK. You mean all the good Democrats like Mark Hatfield——

Senator METCALF. And Bob Packwood and so forth.

Chairman ABOUREZK. All right, Iliff McKay.

Senator METCALF. Mr. Chairman, I want to emphasize, and as Sam knows, southeastern Montana and the Indian communities in Montana are very concerned about coal and the administration of coal policy, the Blackfoot Tribes, and so forth.

They are vitally interested. We haven't passed any legislation, as you know, Sam. As far as the Indians are concerned we passed legislation that was vetoed by our fearless leader.

I think there are some Indian suggestions as far as the Montana people are concerned, and as far as the Four Corners people are concerned in New Mexico, Arizona, and the Colorado area. So again, I nominate Iliff McKay.

Chairman ABOUREZK. I want to place in nomination the name of Frank Tenario, for this one opening on Task Force No. 4. The staff has tried to reach Frank Tenario at the San Phillipe Pueblo of which he is governor. This is for the opening in Task Force No. 4. We tried to reach him in San Phillipe Pueblo. His secretary said he was out of the office but that he was aware that his name might be placed in nomination for a task force position and his statement, left with his secretary, is that if nominated, he would run and if elected, he would serve.

So Frank Tenario's name is placed in nomination.

Any other nominations?

Congressman STEIGER. Mr. Chairman, do I understand that Lloyd has placed in nomination Matt Calac?

Congressman MEEDS. Yes.

Congressman STEIGER. I would like to point out that I don't know the gentleman. I am certain that he would not have been nominated in the first place if he weren't qualified. So I know his qualifications aren't questioned. I do think, in the interest of some kind of balance, Mr. Calac be seriously considered, by all of you. As I understand, at this point in time, it is the only opportunity we are going to have to remedy this.

There is no California tribal representation. If I am wrong, I would like to be corrected.

Congressman MEEDS. You use the word "tribal." There is further recommendation for Task Force No. 8, Al Elgin, who is a Pomo.

Congressman STEIGER. Great.

Chairman ABOUREZK. We don't have any Pueblos on at all—which is a big group.

Congressman STEIGER. I recognize the problem. For those of you who are pondering about the personal qualifications of this, I guess you are in the same quandry I am. But I do think that you must consider the geographics. Thank you, Mr. Chairman.

Chairman ABOUREZK. Thank you Sam.

Any other nominations? If not, let's take the ballots for Task Force No. 4 and select one person from Matthew Calac, Iliff McKay, and Frank Tenario.

All right, it is four for Tenario, four for Calac, and two for McKay. We will have to have a run off. I think we had better wait for the two congressional members to come back.

Is there anything we can take up while we are waiting?

Mr. STEVENS. The only thing we had to discuss was the hearing. That was just for the sake of discussion.

Chairman ABOUREZK. What hearing?

Mr. STEVENS. The Commission hearings, but we kind of dealt with that in the beginning.

Senator METCALF. Haven't we decided that substantially? That we are going to leave it up to the task forces to have initial hearings and prepare initial information? Then we will come back, if necessary, or we feel appropriate that the Commission will participate.

Mr. STEVENS. Yes. That is the only thing that was on the agenda.

Senator METCALF. I would hope that that would be the decision of the Commission.

Chairman ABOUREZK. I think it is implicit in everything that has been done.

Senator METCALF. On the other hand, I think we should adopt a resolution that any time a task force is holding a hearing that we would be notified. That any member of the Commission that wanted to attend and participate would be welcome.

May I suggest that it might be helpful?

Chairman ABOUREZK. I belief that it is already taken care of by the fact that we have already voted ourselves ex officio members of each task force. I will just direct the staff to make sure that the Commission members are notified as to every hearing.

Lay out a schedule and send it to us and we can take our pick.

Mr. STEVENS. We have a provision for that in a specific procedure.

Chairman ABOUREZK. Off the record.

[Off the record.]

Chairman ABOUREZK. Back on the record.

Senator METCALF. I am sorry. How many of us would want to participate and attend certain special hearings? Not only in Montana where I would go but with the special Indian problems there, Jim, you and I know, I could go down.

But you and I got into a hassle outside of our jurisdictions on the Navajo-Hopi thing.

Mr. STEVENS. There are also provisions that require them to have a tentative schedule in their plan of operation, and that is to be submitted for approval. When it is, we will forward that to all Commission members to have a kind of rough idea of what kind of schedules they have in mind, where they would like to go, and so on.

That is also a requirement. They have to accomplish the plan of operation in the early days of their assignment.

Chairman ABOUREZK. I would like to announce the presence of the National Conference on American Indians. Chuck Trimble had lunch with us and I guess you all met him. We appreciate your attendance today, Chuck, and your support and your help in work with the Commission.

I do want to read a letter. I would like the staff to pass this around. This is a letter from Charles Trimble, executive director of the National Congress of American Indians.

Chairman of the American Indian Policy Review Commission

DEAR MR. CHAIRMAN, SENATOR ABOUREZK: The Convention of the National Congress of American Indians is the largest and most representative annual meeting of the Indian tribes in the United States. At this Convention, we attempt to cover all areas of Indian concern in order to organize national positions on them.

The American Indian Policy Review Commission was designed to study all areas of Indian affairs and to make recommendations to the Congress for legislative remedies to the many problems.

The authors and sponsors of the Commission, and the Commission members themselves have seen to it that all aspects of Indian affairs are covered in its studies, and we applaud their insight.

This year, at our 32nd Annual Convention to be held in Portland, Oreg., November 10–14, 1975, we are planning to break down our Convention segments and workshops to correspond with the Task Forces of the American Indian Policy Review Commission.

We feel that the success of the American Indian Policy Review Commission is as much the responsibility of the National Congress of American Indians as it is the Commission and Task Forces, and we shall do our best to assure that the Commission has input from us.

We feel that the NCAI Convention offers a unique opportunity for the Commission to witness the expression of Indian concerns by representatives of the tribal councils as well as individual Indian leadership.

We hereby cordially invite the Commission and its Task Forces to attend the Convention and participate fully with us. We invite the staff and the Task Force to conduct hearings, as is part of their duty in the law, and we will assure total cooperation to facilitate such hearings.

We look forward to working with you in our common cause for Indian people.

Respectfully yours,

CHARLES E. TRIMBLE.

I think that that is an excellent idea, Chuck, that we can have a coordinated meeting on what we are doing. I appreciate the invitation. I think probably many members of the Commission might want to go out for that.

In fact, shall we discuss right now, the possibility of holding a meeting with the Commission out there at that time? Does anybody want to discuss that at all?

Senator METCALF. I think it is an excellent suggestion. I move that the Chairman take steps so we could hold a meeting out there.

Chairman ABOUREZK. Is there a second?

Commissioner BRUCE. Second.

Chairman ABOUREZK. All those in favor say "aye."

[A chorus of ayes.]

Chairman ABOUREZK. Those opposed, " no." [No response.]

I will direct the staff then. What days of the week?

Mr. TRIMBLE. Monday through Friday.

Chairman ABOUREZK. No way you can get a weekend?

Mr. TRIMBLE. We could move it around.

Chairman ABOUREZK. I think a weekend day would give better attendance by congressional Members. Can you move that a little bit, Chuck?

Senator METCALF. We could have it just before. Can't we have it a weekend?

Chairman ABOUREZK. We could probably do it on Sunday, the day before it starts. That would be November 9.

Mr. TRIMBLE. Most of the delegates are there on Sunday, sir.

Chairman ABOUREZK. OK. Why don't we then agree, at this point, to have our meeting on November 9 in Portland, Oreg. We will ask the

staff to inquire of each Commission member who wants to go, and the staff will make travel arrangements for those who want to attend.

Commissioner WHITECROW. I would like to personally commend the National Congress of American Indians for their enthusiastic support and for their participation as far as making the recommendations for nominees to be selected for various task forces.

I think, from a personal standpoint, the National Congress of American Indians has certainly shown their total insight and their total concern to bring about a solution to many of the Indian problems.

I just wish—and I hope and pray—that other national Indian organizations, too, will follow suit, and again work in accord with the directions and objectives of this Commission.

Chairman ABOUREZK. Do you have anybody in mind, Jake?

Commissioner WHITECROW. Yes, sir.

Chairman ABOUREZK. I think if we have the Commission meeting on that Sunday, that the congressional Members that do have to come back for sessions here, if we are in session, if not we might stay over another day.

Senator METCALF. What do you mean if we are in session? You know good and well we will be in session.

Chairman ABOUREZK. If we do go back, which we most likely will, the noncongressional members of the Commission, the Indian members, may very well want to stay for more days of the session.

Senator METCALF. They would be compensated for their lodging, and so forth.

Chairman ABOUREZK. We will take a short recess until 3:15. We have a delayed vote in the House.

[A short recess was taken.]

Chairman ABOUREZK. The meeting will come to order.

The last action that we took before the recess was a tie vote. Would you reread the number of votes on Task Force No. 4? Would you read a count of the votes, Ray?

Mr. GOETTING. On Task Force No. 4: Matt Calac received four votes, Frank Tenario received four, and Iliff McKay received two. So the run-off would be between Matt Calac and Frank Tenario.

[A ballot vote was taken.]

Chairman ABOUREZK. It is between Matt Calac and Frank Tenario, and we vote for one.

Senator METCALF. What do we label this ballot?

Chairman ABOUREZK. Task Force No. 4 runoff.

[A vote of Tenario 10, Calac 1.]

Congressman MEEDS. Mr. Chairman, the report of the selection committee on Task Force No. 6 is as follows: No. 1, as chairman, Dr. Everett Rhoades; No. 2, Betty Mele; No. 3, Luana Reyes; No. 4, Perry Sundust; No. 5, John Shaw; and No. 6, John Buckanaga.

Chairman ABOUREZK. Are there any further nominations for the health task force?

Commissioner BORBRIDGE. Mr. Chairman, I would like to submit the name of Lilly McGarvey. The background for Lilly McGarvey is slated as very active both on the regional level, with respect to her activities in the Alleuts—she is currently serving on the board of directors of the Alleut Corp.—and she is also a member of the executive committee of the health board which is representing the total health interest of the Alaskan Natives. The health directors and the

overall helpers of the Natives work has proceeded to such an extent that the regional health director and executive vice president of Human Resources Committee, Alaska Federation of Natives, have in the past year proceeded with the development of an Alaska native health care policy statement. The lady has had considerable experience in working with the Indian health services director, Dr. Johnson, and I highly recommend her.

Chairman ABOUREZK. All right, Lilly McGarvey has been placed in nomination. I don't know any of these people on here with the exception of Dr. Everett Rhoades, who has testified before the Indian Affairs Subcommittee.

He is one person who really knows his business on health and is not afraid to take an advanced position on it. I just want to add a bit of recommendation to that particular nomination.

He is the best man you can get in the country for that particular issue, except for Jake Whitecrow.

Also one more statement before I yield. Senator Case, I should announce this, called this morning, called one of the staff—Max, did he call you?

Mr. RICHTMAN. Right, his office called.

Chairman ABOUREZK. His office called and said that he is in support of Betty Mele. That is the only announcement I have on this particular task force.

Congressman MEEDS. Mr. Chairman, for the benefit of the members, the selection committee, in proposing Dr. Everett Rhoades, is cognizant of his background. He is chairman of the American Indian Physicians Association. My personal knowledge of him extends only to the testimony, which he gave before our committee in Tulsa, Okla. I was tremendously interested in what he had to say, and the credentials that he has.

Betty Mele is a registered nurse. I think she lives in New Jersey someplace. She is very highly recommended by a number of people—I think a personal connection. She is a member—or maybe she is the operator—of the Seattle Urban Indian Health Center in Seattle, and is very knowledgeable about urban Indian health problems. She is a very fine person and individual to which I can testify. That is the only one of which I have personal knowledge.

Chairman ABOUREZK. Any other discussion?

Commissioner WHITECROW. Mr. Chairman, I would like to say a few words in regard to this particular task force. I think this is probably one of the most important task forces that we have to consider—particularly in reference to a few of the people that have been recommended.

I would like to speak a few words in behalf of Dr. Everett Rhoades, a Kiowa Indian. He is the most outspoken and knowledgeable Indian leader we have today in the field of Indian health, and, of course, his credentials speak for themselves.

In addition, I feel that Mr. Perry Sundust, of the Gila River community out in Arizona—Mr. Sundust, for the past 3 years, has been president of the National Indian Health Board. He is a grassroots Indian. He is most appropriate, most vocal, and he is most knowledgeable. He does have the ability to make the necessary determinations with hearing the pros and the cons with any particular subject.

I would also like to speak a few words for Mrs. Lilly McGarvey. I did have the opportunity of serving with her on her commission previ-

ously. Mrs. McGarvey is most knowledgeable in the field of Indian health, having served also on a health board from the Northwest, plus the fact of serving on the National Indian Health Board.

And if we look at the geographic locations of our mid-Indian people—Alaska itself being most represented by many, many tribes of Indians and Alaska Natives—out of the entire State of Alaska, Mrs. McGarvey probably lives farther away from our area than anyone else coming from Dutch Harbor, out in the ocean in the Alaskan chain. I think we are really reaching way out and getting people from the grassroots.

Chairman ABOUREZK. Are you endorsing Lilly McGarvey?

Commissioner WHITECROW. Most heartily, and also as a result of my previous recommendation, I would like to recommend to the staff that they use the possible services of Mr. John Shaw as consultant for the task force if at all possible.

Commissioner DIAL. Mr. Chairman, I would also like to endorse Mrs. McGarvey because we do need some good people from Alaska, and I would also like to say I served with Betty Mele on the board of directors of the American Indian Historical Society, and Betty Mele is well qualified.

Not that the others aren't, for I understand that Dr. Rhoades is tops also. I would just like to make this input.

Commissioner DEER. A point of clarification. I understand that Mr. Buckanaga is head of the Indian Health Service—an employee of the Indian Health Service. Do we have a position on having Federal employees on this task force?

Chairman ABOUREZK. We can do this: Those amendments we talked about earlier today allows us, specifically, to accept contributions of personnel from the Government.

Commissioner DEER. All right. I have a personal knowledge of Mr. Buckanaga. He is a White Earth Chippewa from Minnesota and has been very involved in his tribal activities up there.

He is the acting area director in the Office of Indian Health. He has had a long-time association of employment in Indian health. I think he is very knowledgeable, and perhaps could be utilized in a consulting capacity, since he is pretty well in employment at this point.

Chairman ABOUREZK. Any other discussion? Any other nominations? If not, mark your ballot for Task Force No. 6. I will read off the nominations: Betty Mele, Luana Reyes, Perry Sundust, John Shaw, Dr. Everett Rhoades, John Buckanaga, and Lilly McGarvey. We will vote for the chairman separately.

We will vote for three positions. [A ballot vote was taken.]

Mr. GOETTING. Mr. Chairman, the results: Dr. Rhoades has 11, Mele 5, Reyes 5, Sundust 3, Shaw 1, Buckanaga 1, and McGarvey 7.

The highest with 11, is Dr. Rhoades; second, McGarvey with 7; and two have tied with 5 each, Mele and Reyes.

Chairman ABOUREZK. Mark your ballot Task Force No. 6 runoff. Let's elect the chairman of this, too, to save a ballot.

We will vote between Reyes and Mele as a member. Then put your choice for chairman and mark chairman beside it.

All right, it is nine for Reyes, two for Mele, and Rhoades is chairman.

Congressman MEEDS. Mr. Chairman, the report of the selection committee with regard to Task Force No. 7 is as follows: Chairman, Peter

MacDonald; No. 2; Phillip Martin; No. 3, Ken Smith; No. 4, Guy McMind; No. 5, C. Plumage; and No. 6, Wally Heath.

Chairman ABOUREZK. Any further nominations?

Congressman MEEDS. Mr. Chairman, as far as I am aware, all six of these have agreed to serve. I would just report from my personal knowledge that Peter MacDonald, chairman of the Navajos, has been very much involved in the preservation of development and research development on the reservation, and he is highly qualified.

No. 2, Phillip Martin, someone else would have to speak with reference to Mr. Martin. I am not that familiar. No. 3, Ken Smith, is the person Senator Hatfield spoke about this morning. While I do not know him, I certainly know what a phenominal reputation he has as a leader of the Warm Springs tribe, particularly in reservation development.

No. 4, Mr. Guy McMind, is a Quinault, and I am personally familiar with him in their development program and in view of the deficient resources in a number of tribes, he would make a very good member.

I do not know No. 5, Charles Plumage, and No. 6, Wally Heath, is a non-Indian and is a professor of biology at Western Washington State College in Bellingham. He is a person who has worked with the Menominees in the development of the agriculture program. He is immensely capable and an imaginative person. The agriculture program is really his and he is extremely concerned and well-motivated in the program.

Chairman ABOUREZK. I know Phillip Martin, not very well, but he has been a very good member of the Indian community. But I am going to put in a special pitch for Peter MacDonald, both as a member and as a chairman. We will vote on that later on.

All these people are outstanding, but there are some people that kind of stand out from others. I think Peter MacDonald's abilities and his experience in reservation development are unequalled. I think, for the balance, that Peter MacDonald on this Commission would be of great value as a member as well.

Any further nominations?

Senator METCALF. Mr. Chairman, I want to concur and to echo your support of Peter MacDonald. The greatest Indian community in America is the Navajo people—the Navajo tribe—and Peter MacDonald is the leader of that tribe.

Last year as you know, and I know, and Lloyd knows, and everyone in Congress knows, that there is an ethnic of Indian relations and Indian affairs. Certainly we just can't neglect this outstanding Indian leader.

I would like to make a second pitch for Dr. Wally Heath who is from Washington. As Lloyd says, he has been down in the northern Cheyenne. I make note that the northern Cheyenne is my favorite tribe, but they have many problems that other tribes have, and so forth.

But he is down in the northern Cheyenne and he has this project that he has already instituted in Washington. He has demonstrated outstanding concern and interest in leadership in Indian affairs. I would hope he would be given consideration on this vote.

Chairman ABOUREZK. Thank you.

I would like to add just one more word before someone else decides to speak.

I don't know Ken Smith, but Senator Hatfield has recommended him very highly. I think that in view of Senator Hatfield's excellent partici-

pation on this Commission and the fact that he speaks so highly of Ken Smith, on the basis of that, I would like to recommend him.

And also one more word on Peter MacDonald. He has another quality that I think we have overlooked here. That is: He is another one of Sam Steiger's political opponents. You would have to quote that as a quality virtue.

Senator METCALF. And Barry Goldwater's.

Chairman ABOUREZK. And that ought to settle it.

Commissioner DEER. Mr. Chairman, I certainly concur in observations made of Peter MacDonald and Mr. Smith. I would like to speak on behalf of Phillip Martin.

I visited the reservation there, back in 1966, and I have read of various developments, progress, and improvements, since that time. I think that anyone who is familiar with the difficulties of the Mississippi Choctaws who has a familiarity with them—the progress and projects in terms of housing and so on—would be impressed by the improvements in the tribes. A great deal of this is due to Phillip Martin. He has worked on many projects in the programs, and for the benefit of his people.

I think he would be a strong candidate for the task force.

Commissioner DIAL. Just for the record, the Senator from Montana referred to the Navajo as the greatest tribe in America. I think all tribes are great. I believe the word he wanted to use was the largest. I just wanted to correct the record.

Senator METCALF. I thank my colleague. I am not going to say the Navajos are the greatest tribe. I went to the floor as a Senator from South Dakota, and South Dakota knows I have fought hard for the Hopis against the Navajos. So the largest tribe.

In fact, the Navajos have an Indian population that is greater than all the tribes combined, in the State of Montana, and I am delighted that my colleague has suggested that.

I would suggest that the Sioux, or the Cheyenne, or the Crows or the Blackfeet are not as great a tribe as the Navajos, that they are not quite as populous.

Commissioner BORBRIDGE. I did want to say that when the good Senator commented on the greatest tribe that he left us feeling a little selfconscious.

Senator METCALF. I am delighted that I was corrected on that. It is the largest, not the greatest.

Commissioner BORBRIDGE. Mr. Chairman, with respect to the individuals nominated on the two task forces, I certainly am reserving a reecho for the very fine, and I think very accurate descriptions made as to the ability of Mr. Peter MacDonald, of the Navajo nation.

I would also at this time like to unreservedly endorse Mr. Ken Smith, not only on the basis of what he has accomplished, in terms of what has been recommended, but on the basis of a personal visit to Warm Springs.

Also, we in Alaska, in forming various corporations, were considering moving into the timber industry. We drew on the experience of Mr. Smith. A large group of Alaskans from southeast Alaska visited the Warm Springs reservation.

They were so much impressed both with Mr. Smith and the progress that the reservation had made, that we invited him to meet with us at one of our conventions in southeast Alaska.

He is a tremendously bright individual and very much impressed us with the progress of his people, and I would certainly endorse him.

Commissioner BRUCE. Mr. Chairman, I would like to endorse Peter MacDonald for this task force. He has agreed to come to meetings. He is a great leader. There have been instances where we have had people not appear at meetings.

I share the chairman's feeling of Sam Steiger. As you remember Sam Steiger introduced that, and I was in a position against the bill, and therefore they call me the Navajo Commissioner.

About Ken Smith: All you have to do is go the Warm Springs and see what he has done there in the area of development, or in that program. He is a very fine guy. I do know Phillip Martin, and I know what he has done, and I would like to endorse him also.

Chairman ABOUREZK. We are going to have, probably, a chance to visit Warm Springs Reservation when we hold our meeting out in Portland. It is more than likely we will have a chance to visit.

Commissioner BRUCE. I would also like to say this about Dr. Heath. Isn't it true that Dr. Heath is on the consultant list officially?

Congressman MEEDS. No; he is not but there is no longer a need for a consultant list.

Commissioner BRUCE. I remember suggesting that he also be one of the consultants, because we can use him.

Chairman ABOUREZK. If he is non-Indian, it might be a better position. Anybody else?

Commissioner WHITECROW. Mr. Chairman, I would like to say a few words in behalf of Mr. Phillip Martin, a Mississippi Choctaw. I have never met the man personally but I have heard about what he has done with the Mississippi Choctaws. I would like to say just these few words on behalf of a man that works under real severe circumstances.

Those of us from the Indian community that have experienced any sort of segregation and racial type injustices certainly are familiar with all the injustices in the State of Mississippi as incurred and applied to the American Indian.

Several years back, in 1956, I was an employee of the Bureau of Indian Affairs for a short period of time and applied for a position transfer to Philadelphia, Miss., and was informed, at that particular time, that I could not be transferred to Philadelphia because of the fact that the Bureau was not sending any Indian employees to that area.

As a result of this, any individual such as Mr. Martin who can bring about any type of reservation development in a community such as this, with this type of atmosphere, I certainly have to support.

Chairman ABOUREZK. Thank you.

Any other comments? If not, mark your ballots Task Force No. 7. Pick three people. We will pick the chairman on the second ballot.

[A ballot vote was taken.]

Mr. GOETTING. Mr. Chairman, the ballots are: Peter MacDonald 10, Phillip Martin 9, Ken Smith 10, Guy McMind 2, C. Plumage 0, and Wally Heath 2.

MacDonald 10, Smith 10, and Martin 9 are the 3 elected.

Chairman ABOUREZK. We will vote now for chairman. Does anyone want to entertain a motion for the selection of chairman?

Congressman MEEDS. I move that Mr. MacDonald be selected as chairman.

Senator METCALF. I would like to second that motion and endorse it because we need that leadership.

Chairman ABOUREZK. All in favor say "aye."

[A chorus of ayes.]

Those opposed.

[No response.]

Senator METCALF. I have to note that unanimity will be mentioned.

Chairman ABOUREZK. Peter MacDonald is chairman of that task force.

Congressman MEEDS. Mr. Chairman, the report of the selection committee for Task Force No. 8 is as follows: George Effman and Al Elgin. Mr. Chairman, we nominated three other people, none of whom have agreed to serve. I speak only from secondary knowledge in regard to Al Elgin, a Pomo, who is, first of all, from California.

Second, he has been recommended very highly by everyone who knows him. I do not know the other two.

Chairman ABOUREZK. Any other nominations?

Commissioner WHITECROW. I would like to offer the name of Mr. Edward Mouss. Mr. Mouss is executive director of the Creek tribe in Oklahoma. He has received the endorsement of the Choctaw Nation, the Cherokee Nation, the Chickasaw Nation, all five civilized tribal nations from the State of Oklahoma, which represents approximately 75,000 Indian people from the State of Oklahoma. He has solid support from the five tribes and the eight tribal councils of northeast Oklahoma.

He is totally familiar with the nonreservation status that the State of Oklahoma has enjoyed, or has experienced for the past umpty-ump years. Inasmuch as prior to the time when we have been held down in the State of Oklahoma by not having any funds available to us because of the fact that we had no reservations in this State other than the Osage Reservation, this one particular aspect has caused Oklahoma Indians to more or less be taking a back seat insofar as total tribal development is concerned.

Mr. Mouss is most knowledgeable in this area of nonreservation type of status. In addition, he is a graduate of the University of Oklahoma, holding a master's degree in business, and he has been most active in all tribal government.

He has been active in Oklahoma for Indian opportunity, as a former employee in helping metropolitan and urban-type Indians in their particular situations.

He is most experienced, and I would like to submit his name for nomination to this particular task force.

Chairman ABOUREZK. Ed Mouss has been received in nomination. Any other nominations?

Commissioner BRUCE. Mr. Chairman, since the urban-rural task force is my responsibility, you might say, I would like to place the name of Gail Thorpe, and nominate her. Gail Thorpe, from Chicago.

Chairman ABOUREZK. Is she related to Jim Thorpe?

Commissioner BRUCE. Daughter.

I endorse her because I am sure that if Congressman Sidney Yates were here, he would endorse this, because it is the largest urban settlement there. I think it ought to be represented.

Gail is in the regional office of the Girl Scouts of America. That is her job. She is president of the Council of Fire, and has been very

active in national urban Indian affairs also. I think she would make a good member on the task force.

I would like to highly endorse the nomination of Al Elgin. He has been conducting management trade courses with all tribes, I guess, along with George Effman, who is also nominated. He is from California. He is a Pomo—an outstanding leader in Indian affairs in this country.

Of course, Georgianna Lincoln is from Alaska, and very active, also, in Indian affairs.

Chairman ABOUREZK. Any other remarks?

May I ask a question? Is there anyone on here that we can identify as a relocation Indian? Somebody who has gone through the relocation program in the BIA. Do you know, Lloyd?

Congressman MEEDS. No, I couldn't say that, Mr. Chairman.

Chairman ABOUREZK. Louis, do you know?

Commissioner BRUCE. I don't think Al Elgin. I am sure George hasn't.

Chairman ABOUREZK. Doesn't Al Elgin run an Indian center in Los Angeles.

Mr. STEVENS. He used to run a center in Oakland. Since he went to work on the national urban program, he doesn't run it any more.

Chairman ABOUREZK. Is there anybody on here that is known as a relocation Indian?

Commissioner WHITECROW. Mr. Chairman, I might say, if I may, insofar as relocation is concerned, Mr. Mouss has had an awful lot of members of the Creek tribe that have been relocated, and he is quite familiar with all their problems, although he himself has never been relocated.

Chairman ABOUREZK. All right. Commissioner Deer?

Commissioner DEER. I want to speak on behalf of Mr. Elgin. I have known Mr. Elgin for a number of years and served with him on the HEW urban Indian project awhile back. I feel he is highly qualified to serve in this capacity.

He is greatly familiar with the urban problems of the Indian people there in California as well as the urban problems across the country. In this one project he directed, there were Indians in Seattle and other places. I personally know him and I think he is an excellent choice.

Commissioner BORBRIDGE. I would like to comment favorably on the nomination of Mr. Elgin as well. Having had the opportunity to visit with him, I respect the work that he was doing. I was very favorably impressed. I would also like to urge the selection of Georgianna Lincoln. Georgianna has been living and is very active in the city of Fairbanks, Alaska.

Alaska, as you know, and particularly Fairbanks, is experiencing fast-growing pains due to pipeline impact.

Furthermore, she has been active in the Fairbanks native association which is located in Fairbanks, and there she has gotten a great deal of experience. She is very active in the urban situation.

Congressman MEEDS. Would the gentleman yield on this? We did recommend Georgianna Lincoln, but I have not been able to contact her. Now, I talked to Sam Kilo, yesterday, who is from the same area, and asked where we could find her. The last I knew she was at the urban center, and running it.

I was informed that she had been in a rather serious automobile accident and she had been relatively seriously injured and that she had gone back to her home area of Rath, and is in not too good condition right now.

That is why we did not then put the name forward. But I would certainly second everything that has been said. She is extremely capable, and that is why we did not nominate her.

Commissioner BORBRIDGE. I share your comments, and have advised the staff as to how they might be able to contact her more directly, with some assistance through the Alaska Federation of Natives office in Anchorage.

Chairman ABOUREZK. Any other comments?

Commissioner DEER. I have one comment on Thorpe. I know she has been in Chicago for a number of years and has been involved in urban Indian situations there.

I think it would add a dimension to the task force. We don't have anyone from Illinois or the Chicago area. As long as we are being somewhat political in our comments here, let me say that Mr. Meeds happens to be from that area.

Chairman ABOUREZK. Mark your ballots for Task Force No. 8. I will reread the nominations: George Effman, Al Elgin, Georgianna Lincoln, Ed Mouss, and Gail Thorpe. Vote for three and we will do the chairman later.

[A ballot vote was taken.]

Chairman ABOUREZK. Ernie, are you notifying all the selections by letter?

Mr. STEVENS. Yes, sir. Telephone and letter.

Commissioner DIAL. I would like to note for the record: Do we vote for the proxy for each one?

Chairman ABOUREZK. I voted for Senator Hatfield's and Congressman Meeds voted Senator Yates' proxy. And I think, except for one vote, we didn't have the proxy for Sam Steiger. I think we voted on everyone except that one vote.

Mr. GOETTING. Mr. Chairman, the results are: George Effman 3, Al Elgin 11, Georgianna Lincoln 2, Ed Mouss 6, Gail Thorpe 11. So the three elected are Al Elgin, Gail Thorpe, and Ed Mouss.

Senator METCALF. Unless there is an objection, I would like to move to ask the consent that Al Elgin by chairman.

Chairman ABOUREZK. Is that the recommendation of the committee?

Congressman MEEDS. Actually, the recommendation of the committee was that Bernie Whitebear be the chairman, but he cannot serve, so I guess there is no recommendation for chairman, but I certainly support that decision.

Chairman ABOUREZK. There has been a request that Al Elgin be chairman of this task force. Is there any objection to that, first of all? Noting no objection, then Al Elgin is unanimously named chairman.

Congressman MEEDS. Mr. Chairman, the recommendations of the selection committee on task force of nonfederally recognized Indians is as follows: JoJo Hunt, chairperson; Robert Bojorcas; Janie Locklear; Dr. Helen Attaquin; and John Stevens.

Commissioner DIAL. Mr. Chairman, I thought Miss Locklear's name was withdrawn.

Congressman MEEDS. She has. I am sorry. Mr. Chairman, I can speak personally, from personal knowledge on only one of these, and that one

I recommend most highly. JoJo Hunt, who has been recommended as chairperson, was nominated by her fellow North Carolinians, and is a member of the Lumpi tribe. JoJo has been staff member on my Indian Affairs Subcommittee for quite some time now.

I find her to be extremely intelligent. She is a graduate of Duke University's School of Law, and a member of the North Carolina Bar. She is very bright, capable, and has acquitted herself very well in the Indian Affairs Subcommittee. I find it difficult not to recommend her too highly, and I hope that isn't misunderstood. I should say I find it difficult to limit myself in her recommendation.

As I say, the recommendation was made by one of the other commissioners, it was not made by me and I had no knowledge that it was going to be done. And when the other commissioner suggested this, I said that I would certainly consent in terms of her leaving my subcommittee if that was her desire.

I have since talked to her and she would very much like to serve on or as chairperson of the task force on nonfederally recognized Indian groups. That is the only one that I know personally.

Commissioner BRUCE. Mr. Chairman, I would like to speak on behalf of Helen Attaquin, whom I have known for a number of years and who has been very active in Indian affairs on a national basis, but more active in the East, as you know from the history.

Her's was the tribe that made the mistake of running along on the shores of Plymouth, Mass. She graduated from Boston University in education and has studied this whole area of the task force, and I am pleased to recommend her.

Commissioner DIAL. Mr. Chairman, I yield to Commissioner Deer.

Commissioner DEER. Mr. Chairman, I would like to also concur with the remarks made about JoJo Hunt. I think her work with the Indian Subcommittee speaks for itself. I would like to speak on behalf of Mr. Bojorcas, a Klamath Indian. I have met him several times. He has always impressed me as person of great interest, dedication, and involvement in affairs of his tribe.

He is diligently trying to correct some of the injustices that have been imposed as a result of the termination of the Klamath. I feel that in selecting this task force, we do have to keep in mind balance, and at this point we have strong candidates in JoJo Hunt, and Mr. Bojorcas. I think there are a number of problems in the California and north areas that I would like to remind the commission of our need to keep a balance.

Commissioner BRUCE. I would like to speak for John Stevens, who is the commissioner of Indian Affairs in the State of Maine. He is also on the board in Vermont, and he is also active in their Indian affairs. He is well-versed on this subject.

Chairman ABOUREZK. John Stevens, as I recall, was considered very strongly for our original commission member, wasn't he?

Mr. STEVENS. Right.

Chairman ABOUREZK. I don't know John Stevens, but I have heard a lot about him.

Commissioner DIAL. Thank you, Mr. Chairman. I would like to say here that I have known JoJo Hunt most of her life. I have known her parents most of my life. I recommended JoJo Hunt for law school. She was accepted at the University of North Carolina, and also Duke University. She received her law degree at Duke. I would like to add

that we do need some good women on this task force—on all the task forces—and also men.

I think this would be a good opportunity for us to do something about this.

Commissioner WHITECROW. Mr. Chairman, I would like to speak in behalf, also, of my particular recommendations for JoJo. I think she is a very outstanding young lady who is most professional in all of her attitudes, and her involvement. Inasmuch as she personally intervened to save Commissioner Dial and myself in embarassing situations at the last meeting, I throw myself behind her 100 percent.

I would also like to speak for Mr. Stevens. I think when you take a look at his location, being from the State of Maine, and inasmuch as we are making a very strong attempt at getting the entire geographic area in these United States represented, we still have not as yet, at least to my knowledge, named anyone from the State of Maine.

I would think that the State of Maine, being so far into the Northeast and into the New England States, and with the Indian situation back in the early 1700's and 1600's, I think we certainly need to take a look at this. Perhaps Mr. Stevens could lend this particular area of interest, and help us meet that responsibility as far as the Commission is concerned. Thank you.

Chairman ABOUREZK. Any other comments? If not, mark your ballots for Task Force No. 10. Vote for three, and we will do the chairman later.

[A ballot vote was taken.]

Commissioner DIAL. JoJo was recommended as chairperson.

Chairman ABOUREZK. May we have the count?

Mr. GOETTING. Mr. Chairman, the results of the voting: JoJo Hunt 9, Bojorcas 10, Attaquin 3, and Stevens with 11. So the three elected are Stevens, Bojorcas, and Hunt.

Chairman ABOUREZK. We will now vote for chairman. Is there a consensus here for someone for chairman or shall we consider the ballot process?

Commissioner DIAL. I would like to speak in behalf of Miss Hunt for chairperson. With here training and reputation that she has working with Congressman Meeds, and certainly a young energetic person who could devote much time to the job and to the position, and who will devote full time to the Commission—I think we should keep in mind that we have hired part-time people—getting a full-time person I think makes sense, and I would highly recommend JoJo with her expertise on nonfederally recognized tribes, and terminated tribes, for the chairmanship.

Senator METCALF. Mr. Chairman, I want to vote for Mr. Stevens for chairman. I have the highest regard for my friend from Washington, and his staff, but Mr. Stevens had a majority vote, and I think a representative from the grand old State of Maine might be helpful. So we can vote rather than have unanimous consent or unanimous vote.

Chairman ABOUREZK. All right, mark your ballot Task Force No. 10, chairman, and pick one. Either Stevens, Hunt, or Bojorcas.

Mr. GOETTING. It is 6 to 4 in favor of Hunt.

Chairman ABOUREZK. OK, that is one proxy that I didn't vote. It wouldn't change the outcome at all so we will just leave it.

So JoJo Hunt is chairperson. Congratulations, Ms. Hunt.

We are down to Task Force No. 11: The one on alcoholism. I will recognize Vice Chairman Lloyd Meeds.

Congressman MEEDS. Mr. Chairman, members of the Commission, the board of the selection committee on Task Force No. 11, alcoholism, is as follows: George Hawkins, George Mellessey, Reuben Snake, John Stevens, and I guess we could strike that out because he has just been selected for another one, and Robert Moore.

Chairman ABOUREZK. Is George Mellessey from Minneapolis? Is he the one from Minneapolis?

Mr. STEVENS. Yes.

Congressman MEEDS. Mr. Chairman, I do not know any of these personally and I would think others would.

Chairman ABOUREZK. I want to make an announcement. Let me ask for other nominations, first.

Commissioner BRUCE. Mr. Chairman, I would like to nominate Dave Vallo, from California, employed by Intertribal Council of California and the editor of the publication there. I am sure he deserves consideration also.

I would like to endorse a person that will try to give representation to various people and sometimes, I know over the years, we have not given fair representation to the Indian traditional people.

Now this man, Rueben Snake, from Winnebago, is one of the Indian traditionals, and has experience in this whole field.

Chairman ABOUREZK. OK, we have Dave Vallo from California nominated.

I would like to make a comment. First of all, one of our former colleagues, Senator Harold Hughes, who has worked in alcoholism as well as anyone, has written a letter. I don't have my letter, but it has been sent to Senator Metcalf and myself, recommending that Robert Moore be one of the members of the task force.

I, personally, would be inclined to take Harold Hughes' word in the absence of knowledge of this man myself. His word is good with me.

Senator METCALF. I want to completely concur with my colleague. Harold Hughes is one of the fine persons that has served with us in the Senate of the United States. He retired, voluntarily from the Senate, to devote himself to this kind of work. A former alcoholic who is a nationally known leader. If he recommends Robert Moore, as far as I am concerned, Robert Moore, with his recommendation will help in Indian alcoholism more than anybody else.

Chairman ABOUREZK. Robert Moore is an Indian, isn't he?

Senator METCALF. Yes.

Chairman ABOUREZK. I would like to try to get Harold Hughes' services as a consultant—free.

Senator METCALF. We will get him, I know that.

Chairman ABOUREZK. Second, this is a task force I am in a very unfortunate position on. Except for Robert Moore, I know two other members. I don't know George Hawkins at all, but I know George Mellessey. I met him in Minneapolis, who, even before we decided to create a special task force on alcoholism, told me of his interest in Minneapolis, at the time I was there, of trying to get something done in alcoholism. That is the kind of work he does. In fact, that is his job as alcoholism and drug abuse counsellor—or director—in Minneapolis.

And also Rueben Snake. Rueben used to work in Rapid City, S. Dak., and I knew him back then, before he moved out. I think he is back on a reservation in Nebraska, isn't he?

Commissioner BRUCE. Yes.

Chairman ABOUREZK. He worked up there, and he was one good man. He is director of the center, now?

Commissioner BRUCE. Right.

Chairman ABOUREZK. So, I can speak with firsthand knowledge on those two people. Any other comments?

Commissioner DEER. I would like to speak on behalf of Mr. Snake. I have had several occasions to talk with him. I feel he does have ties with the tradition and Indian community. I think that the point in our consideration is that we don't have anyone with those ties.

I think that he not only knows problems, but can conceptualize, and has had some training. He would be an excellent choice.

Chairman ABOUREZK. Thank you. Any other comments?

Commissioner DIAL. I would like to concur with Miss Deer on Mr. Snake.

Commissioner WHITECROW. Mr. Chairman, I would like to say a few words on behalf of Mr. George Hawkins. Mr. Hawkins, I know personally. I know he is also of the traditional Indian group. He works with alcoholics, he is a most respected leader in the alcohol programs in region 6, out of the Dallas area.

I know very definitely that he does have the support and the consideration of all the Indian alcohol programs that are currently operated in the States of Texas, Oklahoma, and Kansas.

These three particular States give him great support, and I would like to speak very highly for Mr. Hawkins. Also, I would like to just add to those comments made for Mr. Moore and I, along with Commissioner Bruce, feel that this particular task force is of such great magnitude that we need someone of the traditionalists, and if we get Snake on there I think we will have a well-balanced task force that will provide the realism this task force is attempting to work by.

Chairman ABOUREZK. Thank you. Any other comments?

There being none, mark your ballots Task Force No. 11. Vote for three people, and we will do the chairmanship later.

[A ballot vote was taken.]

Mr. GOETTING. Mr. Chairman: George Hawkins 6, George Mellessy 3, Rueben Snake 11, Robert Moore 10, David Vallo 3. So the elected are Rueben Snake, Robert Moore, and George Hawkins.

Chairman ABOUREZK. All right. Is there a consensus on the chairman? I would recommend Snake as chairman. If anybody wants to vote for anyone different, let's go to ballot. Otherwise we will do it by consent.

Senator METCALF. I would vote for Moore for chairman, but I am not going to object, so if the chairman wants Snake, then I will concur.

Chairman ABOUREZK. That makes unanimous consent.

Senator METCALF. I move unanimous consent.

Commissioner WHITECROW. I second.

Chairman ABOUREZK. Any objection? Noting no objection, Mr. Snake is unanimously declared chairman.

Congressman MEEDS. Mr. Chairman, that completes the work of the selection committee, and the need of the full Commission on the selection of people for the task force. I think for many of the crusaders in

the Indian world, or otherwise, who thought that this was some kind of political football which was going around up here, or spectators who might have thought that we were going to seek to find people who, in effect would be sinecures, they ought to look at this record now, and look at the divergence of opinions on selections, and the high caliber of all the people selected.

I do not know all these people, but the people I do know who were elected are some of the finest talent in all the Indian nations, and among the Indian people in the entire United States.

All the others have been highly recommended. I think this is a fine group, and I look forward to their reports. I think this most important function has now been fulfilled and that the real question is how they perform, because certainly they have the talent to do so.

Chairman ABOUREZK. I want to express the gratitude of myself, and I know the other members of the Commission, to the selection task force. Louis Bruce, Adolph Dial, and chairman of the task force Lloyd Meeds did one hell of a good job.

And also the staff people who have been working. We have told you this before, but they have been working double overtime into the night and starting early in the morning to try to get all of this preparation made, and all of it done.

I think they have done a great job, and I would like to express one more word of gratitude. One would expect the Indian Commissioners to have full attendance at every meeting because they are the ones that really have an awful lot of say in the matters of this Commission.

But the Congressional Members, those who are affluent enough, and white enough—all of us who escape the misfortune that has befallen the American Indian people, it is kind of above and beyond the call of duty for Congressional Members to put in this much work on anything, whether it is one of their own committees, or whatever.

I think they are due a great deal of congratulations for the amount of time and the amount of work—Senator Metcalf, Senator Hatfield, Congressman Meeds, Sam Steiger, and Congressman Yates—have put in to this. So my deep gratitude to all of you.

Senator METCALF. Mr. Chairman, I want to say a word for all these outstanding Indian leaders who were not selected for the task forces. We have had an abundence of talent. We have had an opportunity to select from some of the outstanding young men and young women of America, and sometimes we have rejected some people who have a great deal of ability.

The Chairman knows I was Teddy Rising Sun of this committee. I wanted Teddy Rising Sun on various task forces, and so forth. I guess I am going to have to put him on my own staff.

But I just bring this up because these young men and women who were recommended, were suggested, and were voted down—it is just not a rejection of their ability and dedication and their consecration.

It is just that we have had an abundence of talent and I hope that we can use everyone of them some time as consultants or in some other area, and I want to join with you in your praise of the committee.

Chairman ABOUREZK. One other word before we close down today. It really goes without saying, but I am going to say it anyhow—the Indian Commission members—I think those of us on the Congressional part of it made probably the top choices when we picked these people. The contributions they have all made here has been really good. It has

been excellent. We have got, I think, a well-balanced Commission itself—insofar as representation of Indian attitudes, feelings, ability, and talent. So I would like to give my congratulations to all of you.

Commissioner BORBRIDGE. A brief comment, as an Indian member, on the attendance, the time, the seriousness, and purpose evident in the Congressional Members.

Having had, like the other members, the opportunity to appear before various committees, I am frankly very much impressed. I feel that it is this type of personal commitment that will enable us to go where all of us hope to go in terms of making the kind of lasting contribution to the beneficial progress involved in the Indian people. I thought that this would be an appropriate time just to say that, Mr. Chairman.

Commissioner DIAL. Mr. Chairman, I concur. But I believe we need to say, also, that the work that the Chairman and the Vice Chairman have put into this is almost endless hours, and working, as you know, time and time again.

I think Congressman Meeds and Senator Abourezk ought to be commended for all the work they have put into the task force selection, plus all the other work that had to be done.

Chairman ABOUREZK. Thank you.

Commissioner BRUCE. Mr. Chairman, I would like to concur with what Adolph Dial has said. I am excited about the area of leadership, the list of people, the names we have accumulated, and those that are interested. I am sure that we have to put the names of these people in the bank for the future—for them to be called on.

One other thing I want to say, for the record, I am very disappointed about the fact that you didn't agree with me in wanting a task force on housing. I look over this list here, and I see very few who I selected on the basis of their housing experience or background. We have put it in with another program, and I hope we won't forget the fact that housing is a very important area.

It is a top priority as far as I am concerned. I am delighted to have Reeves Owutsi here. I was going to let him make a speech, but it is too late, now. I would like for him to work on this thing: The Bureau, with it's housing program, HUD with it's housing program, and a conflict there which needs to be straightened out. I hope the Commission will take a good look at the whole area.

Chairman ABOUREZK. You are right. I will tell you why I didn't push for a separate task force. Reeves and I have been talking some on this. But in the Senate Indian Affairs Subcommittee we are now in the process of drafting a new Indian housing bill.

My question has been: How are we going to work around this, and get a comment from the Indian community around the suggestions of trying to improve it?

If we can, it is to establish a National Indian Housing Authority that will be responsible for controlling all of the funding. Now the various programs are spread out through HUD, BIA and Indian Health Service.

We find that there are two main problems in housing: Money and bureaucracy. The only other bureaucracy that it would be, other than the National Indian Housing Authority, would be the roll of tribe housing authorities, period.

That is the only other bureaucracy, and, of course, that is the more controllable. The tribes can control it themselves.

Now money, under this proposal, would be allocated directly from the National Housing Authority on a formula basis, so that we couldn't show favoritism on this tribe or this reservation. The only problem then, would be the availability of money to build Indian housing—the kind of housing and the amount would be up to the local tribe, or the tribal housing authority.

For example, I just completed a 9 day trip last week. Part of the trip was in the Southwest to look over Indian housing. In New Mexico, for example, the Pueblo Indians had been fighting for over 3½ years to try to get HUD to let them build adobe houses.

No, HUD had to build frame houses because they said adobe housing wouldn't stand up. So the Indians showed HUD two adobe houses that had been standing for 700 or 800 years, and they couldn't find one single frame house that had been up for 20 years.

And HUD still said no. Three and a half years, and they finally just recently won their battle. HUD is now permitting the Indians to build adobe housing. They look an awful lot better than those little cracker boxes that HUD has been putting up.

So that is the kind of thing we have to try to get around in housing.

Commissioner WHITECROW. Mr. Chairman, I would like to just say a few words before we get away. The fact that the Congress has seen fit to decree a Commission such as this and to establish for it a mission to bring about an effective change in all of the various problems that the Indians community has—I certainly want to sing the highest praises for all the members of this Commission.

For the House and the Senate, for the interest and the sincerity of their endeavors, they have certainly shown. I also want to state that I certainly hope that all of the people that we have selected today accept and that we do not have any declinations.

I think we have selected, probably, one of the greatest teams that we have ever put together, and, most definitely, this should be proof positive to the entire Indian community of these United States, that the Congress of the United States is interested in allowing Indian participation in the study of Indian problems.

I think, with the selections that we have made today, this certainly proves it is true. It is, from a personal standpoint, a very great honor, indeed, for me to participate in this study, and I shall be looking forward to the next 18 months with great interest and great enthusiasm.

Chairman ABOUREZK. Thank you. that is a good point, Jake, that you brought up. if there are any declinations, we had better somehow deal with that. Ernie, let me ask you. What is the date for our next meeting?

We are required to have a quarterly meeting and report by the task forces: Isn't that correct?

Mr. STEVENS. We haven't set the exact date.

Chairman ABOUREZK. You haven't set it?

Mr. STEVENS. No; we have projected----

Chairman ABOUREZK. Give us a ballpark date.

Mr. STEVENS. The end of the first week in November. There was some discussion about a meeting in September.

Chairman ABOUREZK. We have a business meeting in Washington before that one—because taking problems out there would be too much of a problem.

Mr. STEVENS. We talked about a meeting in September to discuss certain things related to the plan of operations, and things like that.

Chairman ABOUREZK. Let me make a suggestion, and let's see what the Commission thinks about this: Let's set a meeting on a Friday in September. You pick the date, Ernie, and give us notification. I don't anticipate that all three members of any task force would not accept—it would be one at the maximum, or two. Probably just one. If anybody declines.

So let us say to staff that if anybody declines, tell the task force to go ahead without the full complement, start their work and at the September meeting we will take up the issue of declinations and fill out those vacancies so we don't slow down the work of the task force.

Is that agreeable to everybody?

The meeting will be here in Washington, because it would be difficult to have that kind of complicated meeting in Portland because of the staff carrying documents out there.

We will have a fairly light business meeting during our time out there, but I think it is mostly for receiving input from NCAI. That is what the meeting out there would be.

So is that all right? Then the staff has been directed to do that. Now unless anyone has anything else——

Mr. STEVENS. September 12.

Chairman ABOUREZK. Is that the date of the meeting?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. If the elected chairman declines, can we go to the next person with the highest vote to be chairman?

Congressman MEEDS. I think that sounds good.

Chairman ABOUREZK. Will the staff take note of that?

The next meeting will be in September.

[Whereupon, at 5:10 p.m., the hearing was recessed to reconvene on September 12, 1975.]

MEETINGS OF THE AMERICAN INDIAN POLICY REVIEW COMMISSION

SEPTEMBER 12, 1975

AMERICAN INDIAN POLICY REVIEW COMMISSION,
Washington, D.C.

The Commission met, pursuant to notice, at 9:45 a.m., in room 2257, Rayburn House Office Building, Senator James Abourezk (chairman) presiding.

Present: Senator Abourezk, Congressmen Meeds and Yates, Commissioners Borbridge, Bruce, Deer, Dial, and Whitecrow.

Staff present: Staff Director Ernest Stevens; and General Counsel Kirke Kickingbird.

Chairman ABOUREZK. The meeting will come to order.

Would the clerk please call the roll of the Commission.

Mr. STEVENS. Commissioner Borbridge.

Commissioner BORBRIDGE. Present.

Mr. STEVENS. Commissioner Bruce.

Commissioner BRUCE. Here.

Mr. STEVENS. Commissioner Deer.

Commissioner DEER. Here.

Mr. STEVENS. Commissioner Dial.

Commissioner DIAL. Here.

Mr. STEVENS. Commissioner Hatfield.

No response.

Mr. STEVENS. Commissioner Meeds.

Commissioner MEEDS. Here.

Mr. STEVENS. Commissioner Metcalf.

No response.

Mr. STEVENS. Commissioner Whitecrow.

Commissioner WHITECROW. Here.

Mr. STEVENS. Commissioner Yates.

Commissioner YATES. Here.

Mr. STEVENS. Commissioner Steiger.

No response.

Mr. STEVENS. Commissioner Abourezk.

Chairman ABOUREZK. Here.

How many are present and how many are absent?

Mr. STEVENS. There are eight present and three absent.

Chairman ABOUREZK. The first item this morning on the agenda, and I assume everybody has a copy of the agenda, will be the staff progress report by the staff director, Ernie Stevens.

Mr. STEVENS. Mr. Chairman, before I do the report, I would like to introduce some new people that we have.

Chairman ABOUREZK. Will you do that, please.

Mr. STEVENS. First of all, I would like to introduce a person who has been involved in Indian affairs for some time. You have seen an example of some of the writing he does. It is enclosed in our manual. He is an anthropolgist, an author of several Indian books, and I don't know if he would like to be described that way, but I look upon him as a Katzenjammer Kid, a former Commissioner under John Collier. He is a Flathead, D'Arcy McNickle. [Applause.]

I also would like to introduce a gentleman whom some of you may have met at our last meeting and who has been selected as a special assistant to the Commission. He was the manager of public and urban affairs for the Chemical and Plastic Group of Union Carbide. The reason that we have him with us is, more importantly, he takes up three members of the Six Nations, and that is Arnold T. Anderson. [Applause.]

Chairman ABOUREZK. I would like to know how you work that, Andy. You get introduced at every meeting.

Mr. ANDERSON.. Someday, when you have time, I will tell you.

Mr. STEVENS. We have a new addition that Andy has helped us with, and he is the manager of public relations for Xerox. His services are being provided to the Commission, courtesy of Xerox. It is somewhat like a sabbatical. He is going to work for us. He is a member of the Seneca Tribe and his name is Thomas M. Fassett. [Applause.]

Tom is going to take care of some of our very important things related to communications.

Another person I would like to introduce is an accountant who has helped us in the new accounting process, which I will outline presently, and which I think you will be pleased with. He is a member of the Creek Tribe. He is working on his CPA—Owen Supulpa. [Applause.]

I don't know if you met him before, also, this must be the Flathead morning, because he is also a Flathead, and he is a professor of economics at the University of Washington, and he has been consulting with us on economics. Also he has not arrived yet. His name is Ronald Trosher. He will come in a little later. He has been helping us.

Chairman ABOUREZK. I should add a word of welcome to all these people and express our thanks to those who are volunteering their services to the Commission in a very good tradition. I guess I speak for all us us, and we appreciate it very much.

Mr. STEVENS. Related to the progress report: One of the things I would like to say up front that is in the back of the report—you will probably notice the piles of paper cut—we are trying to take the authorizations we need from you and the kinds of routine kinds of approvals and so on, and conduct them by mail or by hand rather than piling it on at the Commission meeting.

As a matter of fact, Senator Abourezk instructed me on that. So, some of the things—for instance, the operating plans of the task forces are not approved and you have delegated that to me, but they are not approved and they will start going to you in the mail for your review and written comments. So that is an example of some of the things that we are doing.

You will notice in front of you——

Chairman ABOUREZK. May I interrupt a moment.

We have a visitor from Pakistan whom I invited to attend the meeting and observe as long as she wants to. Her name is Ovetta Hussein and she is a member of Parliament. She was a leader in the

women's rights movement over in Pakistan, which is a lot tougher than leading it here in the United States. I would like to introduce her. [Applause.]

Excuse me for interrupting.

Mr. STEVENS. We have a new manual and it is indexed and these are the sum total of all of the various documents that have been approved by the Commission. Harry Rose, who is one of our staff technical writers, has edited it. It has all been approved by you over the period of the last 5 months. Now they are indexed. The pages are numbered and we will distribute those.

We will also distribute these to the task force members. They don't have them yet because we just finished putting them together last night.

Our research work is just about ready to really start. The materials that we have are fairly light right now. We have spent most of our preliminary time writing to all of the agencies, but shortly we will have the responses in from the various agencies.

As a result of the task force plans we will have a better idea of what explicitly we should further require.

I think over all, to go over some of the written material, the administrative aspects, the acquisition of personnel, the putting up of walls, the acquiring of space, typewriters, and so on, I would say, is about a week away from being completed. All the logistics in administration, planning, and organization of the Commission will be substantially completed within the next 2 weeks.

After that, I think we will then be prepared to get ready to launch into the substantive parts of our investigations and studies.

The major item here which I leave to your consideration, is the financial reporting, which we have just completed. We have just completed a system and in general I would like to point out what it does.

Monthly the Commissioners and each task force—the Commissioners and the Commission staff—will receive a financial report which will give you the up-to-date status from the previous month. We will issue these monthly and it will give you the total of the budget for the complete time period. It will give you the accrued amount that has been spent to that date, and the previous month's expenditure.

We will do that by task force. We have the account set up so they are numbered, so we can give the task force members an individual report on the progress of their own expenditures monthly.

The things that we are going to accomplish the rest of the month of September—we are going to review, and finalize all operational plans for the task forces. We are mailing each individual proposed plan out to all Commissioners with a checklist of the kinds of things we would like you to respond to. Maybe the staff members for the Senators and Congressmen will handle this. We will then compile that along with a separate review from other people.

The second thing was securing all personnel, equipment, space, and other facilities needed for the performance of our duties. We will be ready to get into the substance.

Third, we will finalize the draft and distribute a report for the first quarter, with names of task force members and staff.

We will complete a final plan for all communication activities. That is, we are having a newsletter that we are going to put out and progress reports, intergovernmental relations, communications, and

everthing related to communications. We are going to propose a plan to the Commission and we will have a draft of that submitted.

Collect all current requests for research materials and evaluations based on task force plans and future needs. We will develop a tentative plan and master schedule for meetings of the Commission based on approved task force plans.

The schedule will take into account all communication activities up to the completion of the Commission's report, and will include any studies requested by the Commission. That would be in draft for your consideration.

Again, most of the things that you may inquire about are probably in the mail, or we will mail all the plans—we will begin to mail Monday. They are in the various stages of completion. We are not going to mail them all at once. We will mail one with a checklist, and so on. We would appreciate individual responses.

According to the procedures, we have brought on the task force specialists, and I believe the procedures call for the Commission to ratify that.

Appendix A gives you the list of the task force specialists who were hired. This is the method we decided was approved on June 13, and it calls for ratification by the Commission. Appendix A—Kathy McKee was hired for Indian education.

Chairman ABOUREZK. This is the list of task force consultants?

Mr. STEVENS. They are specialists. Appendix A gives a thumbnail sketch, and we have their resumés which are being mailed to you, but there is a thumbnail sketch on each one.

George Tomer is a task force specialist for terminating federally nonrecognized tribes.

Rudy Riser is the task force specialist for special administration.

Michael Cox is the task force specialist for tribal government. Michael is a Creek, and an attorney, from the University of Virginia. He previously worked for the Native American Foundation in California.

Karl Funke, Indian law revision and codification. I think he is working. Karl is a Chippewa from central Michigan and received his JD from Antioch School of Law. He also worked for the Native American Rights Fund, and is the manager for the Keweenaw Bay Community in upper Michigan.

Bruce Davies is the task force specialist for Task Force No. 1. Mr. Davies is a Sioux, and he has worked as a reporter and writer for the American Union Press Association, National Congress of American Indians, and was on the national staff for Indian Preference in Denver.

Congressman YATES. What is the National Center?

Mr. STEVENS. That was a private organization put together to, frankly, hassle the Government over the rights of Indians, and Indian preference rights.

There is a special law on Indian preference and the Federal agencies, particularly the Bureau, have a disinclination, even under Supreme Court edict, to obey that law. So some Indians have seen fit to put a board together to more or less act as a prod to them, and Mr. Davies is the working staff person.

The task force specialist for the urban-rural group is James Bluestone and he is from Fort Berthold.

Chairman ABOUREZK. Have you announced them all, Ernie?

Mr. STEVENS. Yes, sir.

Chairman ABOUREZK. At this time, I will entertain a motion to approve and ratify the selection of these task force specialists.

Congressman MEEDS. Mr. Chairman, I move that the appointment of the task force specialists, as reported by the staff director be approved.

In so doing, I want to compliment the people who have been involved in these selections. I know a number of the people who have been appointed here and in each instance where I know those people, I know them to be very, very fine selections.

Mr. Chairman, I would move their appointment.

Congressman YATES. I second the motion.

Chairman ABOUREZK. Is there any further discussion? Are there any questions?

If not, all in favor will say aye; those opposed, no.

The ayes have it. The motion is carried.

I would also like to add my words of congratulation to the specialists and the people who did the selecting.

Mr. STEVENS. Mr. Chairman, can you approve the progress report?

Chairman ABOUREZK. We don't need to approve that.

Congressman YATES. I wonder whether it would not be wise—I notice an accounting system has been set up. Inasmuch as all of the activities have been completed, I know the GAO is asked to look at the accounting, I wonder if it would not be well to have them look at it in the beginning.

Chairman ABOUREZK. Yes. Would you take care of that, Ray?

Mr. STEVENS. We have anticipated an audit by them and we have been talking with them about the acquisition of various Indian studies in conjunction with various Congressmen and Senators. They have been very helpful to us.

Also, the Library of Congress has helped us with our filing system. They are on call to redo our system any time. We have a lot of extra help. This is really nice to be on the right side of GAO for a while.

Chairman ABOUREZK. It is not over with now.

Before we get into the task force reports, I would like to ask if any Commission members have any statements they would like to make, or any questions they would like to ask, before we get into the task force reports?

Mr. Meeds.

Congressman MEEDS. Mr. Chairman, I think perhaps this is a good time to discuss a time frame in which the task forces will be operating and, indeed, the time frame in which this whole Commission will be operating.

I have gotten in the past 2 weeks, some, what I consider to be, bad vibes. I will put it in that sense because I don't know that I am correct. But these vibes tell me that some people in the task forces and perhaps otherwise—and I may be even talking about some of the Commissioners; I don't know—but if I am, I want to make my own position amply clear at the outset.

These vibes tell me that some people think this Commission is going to be extended past its appointed time. I want to state emphatically that if we start out with the idea that we are going to spend longer than the law presently allows us, that is precisely what we will do.

So, I want to make my own position clear as a Commissioner and as an elector who would be involved in the passage of any legislation

extending the life of this Commission, that I do not expect to support the extension of the life of this Commission.

I think there is ample time in which to do the tasks that we have appointed for ourselves. I think we have a fantastically fine staff director and general counsel, and other individuals involved in the management of this Commission. I think the task force selections were very good and, as just stated, the capabilities of the task force specialists and others, it seems to me, is superb. I think we have ample funds, and if we don't, we can get them.

Given all these factors, I see no reason to believe, even momentarily, that it will take us longer than we have allowed ourselves at present to complete the task force reports on time, to complete the Commission report on time, and to report to the Congress within the time frame we have set for ourselves at present without contemplating any further extension.

Chairman ABOUREZK. I just want to add a word of agreement and reendorsement to that statement. I know that Ernie Stevens and his staff people are concerned about whether we get done on time. Ernie has set a time limit for various phases of this operation to be completed. I would expect him to continue to keep an eye on the progress to make sure the reports are back in time so the Commission can act on those reports.

Commissioner Bruce.

Commissioner BRUCE. May I ask the staff director a question? Ernie, are we on target so far, I think we are, are we not?

Mr. STEVENS. We are just a little bit late on the task force plans but I am not bothered by it. We can get the job done. We will have it done within the next week or so. So we are pretty well on it, and in some cases a little bit ahead.

Chairman ABOUREZK. Commissioner Dial.

Commissioner DIAL. I have another question for the staff director.

Assuming we have the time: Do you assume we have the funds? I hear some people saying in the crowded offices that they need some office space for the task forces where they can work under wholesome conditions. Would you comment on this?

Mr. STEVENS. Max has just met with Mr. Reade of the Speaker's office. We have to get the various changes approved by them. We are putting up partitions and we are in for a couple of office spaces we think we will get. We will solve that one way or another.

If we don't get the next door space we will make provisions for space in another part of the building.

I think the funds part of it, is another matter. There are a few of the task forces that feel they cannot operate within the constraints of what they have. I have asked them to make that a part of their proposal and try to justify it. Overrall we have it pretty well down to the last dollar except for a few of the task forces needs over and above what they have in their existing budget. I have not really looked at it yet, and we have not entertained it yet, and it has not been submitted.

But except for that I think we can make it. It is not an ample amount, but we can make it and we have it budgeted, but I can't say anything for the task forces because there are a couple who have not submittd their plans yet, and they have indicated to me personally they don't feel they can operate with the money they have.

Congressman MEEDS. Ernie, I think this is the proper time, prior to the task force reports, to bring up one other matter which has troubled me. I am going to read at least most of a press report contained in the Billingham Herald of August 24, 1975, which I will ask consent that the entire article be made a part of the record.

Quoting from this, the headline of which reads:

CONGRESS INVITED TO ADD OPINION ON BOLDT RULING

The U.S. Congress has been formally invited to add its 2 cents worth to interpretations of the Boldt fishing rights decision.

The Northwest Indian Fisheries Commission in Olympia has secured commitments for congressional hearings on the issue of fisheries management in the Pacific Northwest.

The commission includes representation of the Lummi, Nooksack and Swinomish tribes.

No date for the hearings has been set, according to Bill Smith, Commission Director. A schedule will be announced sometime after Congress reconvenes September 1, following an August vacation.

Participation in the hearings has been assured by the American Indian Policy Review Commission, chaired by Senator James Abourezk of South Dakota, Smith said.

Review Commission task force will begin investigating the situation immediately, he added.

Smith and the Indian Fisheries Commission are asking that Washington's entire fisheries management program be investigated. The State Department of Fisheries is implementing the George Boldt court decision piecemeal, Smith said recently, and is not managing the fisheries properly or fairly.

"We've asked for a comprehensive review of all people's relationships to the major fish resources," he said. "We want a clear cut statement on the roles and responsibilities of each separate interest and agency in achieving equitable implementation of the Boldt decision."

I use this as an illustration, not to cast aspersions on any individuals. I don't know where the press release came from. I am not really too concerned where it came from. But I use it to illustrate what I consider to be precisely what this Commission should not be doing.

We have investigative power and we need investigative power, but our function is not to intervene in ongoing problems and attempt present solutions.

Our function is to investigate at this time, to acquire information by investigation, hearings, research, and otherwise, and to compile that information and use it to make a report to the U.S. Congress as to how it should be dealing with Indian people, not, I repeat, to intervene or to try to influence ongoing problems, even though they may well be problems affecting Indian people at this time.

Any task force which is dealing with treaty rights and any task force that is dealing with Indian resources that does not go to the State of Washington and look very closely at the *Boldt* decision, interpretations therefrom, the treaties involved and all those things would not be doing its duty.

But any task force or any Commission member or any member of the staff of any of the Commissions or of any of the task forces which goes to the State of Washington or to the State of South Dakota or to the State of New Mexico or any other State or any other place attempting to influence present problems is simply acting outside the scope of the function of this Commission or any task force thereof.

I, for one, will take steps to see that that kind of activity is terminated. I think that the staff director should prepare and distribute to all of the task forces a general outline of what our real functions are. It should be amply clear that our function is not to influence or to intervene in ongoing problems.

If anyone disagrees with that, I would like to hear about it now. Does any member of the Commission have any observations on this?

Chairman ABOUREZK. Mr. Dial.

Commissioner DIAL. I suppose I would have to agree with most of what you said.

However, it brings up some other problems that have been discussed recently, and that is some bill that some Congressmen—none of the Commission, I am sure—are telling the people pending legislation—well, you just wait until the Commission makes its report.

I wonder how the Commissioner's feel and how the Congressmen feel who are members of this Commission, in regard to legislation dealing with the Indian world. I would like to hear someone comment on this.

Congressman MEEDS. I can only comment for myself. I think there are some problems into which this Commission is now inquiring in its task forces, in which it would be better to wait and legislate in the future, after we do have the report of the task forces and the Commission report, but there are clearly some ongoing problems which demand immediate attention by legislation.

I don't think the advent of the task forces or the Commission should be used as a dodge to prevent ongoing action for those emergent and immediate problems.

Commissioner WHITECROW. I would like to comment on Commissioner Meeds' statement in regard to what a function of this particular Commission is. I am in 100-percent agreement with the statement Congressman Meeds has made with regard to the functions and the investigative process and the procedures that this Commission has in the reading of the law.

I think it is perfectly clear to at least me, as a nonattorney, that we have the job and the requirement of investigating the past and the present relationships that the Federal Government has with the American Indian, and in so doing in putting together a report to the Congress of the United States that is a realistic picture of the relationships.

However, I think we also need to keep in mind that the quality of this Commission, that is, the staff that we have now accumulated, the quality of this staff, have been selected as a result of their current involvement. I do not feel that we, as a Commission, need to put any type of attachment to the individuals, nor do I think we need to try to prohibit or squelch any particular individual's involvement, whether it be as an individual associated with the Commission or in his present relationship.

What I am saying here is if we have ongoing problems that certainly demand current attention, then if these problems should come before the Commission, I do not think it is the Commission's responsibility to immediately—and, of course, this will vary depending upon individual situation—but the staff of this Commission have the knowledge and they have the capability, and they know the routes which they can use to take care of problems. Therefore, I don't think we really need to come down heavy on any of our staff or Commission members.

I think we need to have our task forces out here with full authority to investigate. They need to have these doors opened. If we try to squelch their activity, then we place ourselves in a little bit of jeopardy insofar as coming up with a realistic approach.

I am personally in favor of coming up with a study that we will use, not one that will gather dust for the next 50 years.

I think if we are going to put any strings on any of our people, then we are not fulfilling the responsibility of the law, because we are going to be wearing a black hat, so to speak, in the entire communities, especially in those communities where we have high feelings running against the Indian. When we run into those communities, of course, we are going to be wearing the black hat, and this is our responsibilty.

So we cannot expect, I don't feel, to be politically looked at in favor at all times.

I hope I have made myself clear.

Congressman MEEDS. If the gentleman is saying what I think he said, that we should not squelch in any way the activities of the task forces when they are working within the scope of their authority, then I agree with him.

If he is saying we should not squelch them even if they are outside of their scope, then I disagree with him. I assume it was the former.

Commissioner WHITECROW. Right.

Chairman ABOUREZK. I did not get into this argument. What are you saying?

Commissioner WHITECROW. Basically what I was saying is: I feel a Commission or task force member should have the authority to investigate those activities and when it does not come within the scope of that particular task force, then he has the authority on his own, as a private citizen, to investigate and apply whatever influence that might be necessary.

Chairman ABOUREZK. You are talking about the fishing rights decision.

I would like to make a comment, if I might, to the members of the Commission. I think if a task force member speaks on behalf of the Commission when the Commission has not in fact authorized him to speak that way, he should not do it.

All of the task force members and all of the Commission members are individuals in their own right and they are all active in one way or another in Indian affairs. If they want to say something to the press speaking for themselves, I don't think anybody disagrees with that. They have every right to do so and raise as much Cain as they want to, I guess. But I would suggest, for example, this news story said Senator Abourezk gave somebody assurances an issue would be taken up. That is not true. That is not to say I would not give them asurances, but I did not. That was an inaccurate fact, whoever gave that to the Commission.

I don't think the Commission wants to inhibit anybody in being active in whatever he wants to be active in. Just so he does not speak for someone for whom he cannot speak.

Are there any other comments?

Congressman YATES. Ernie, the report indicates with respect to the suit against the Commission, the Justice Department will file a motion by the plaintiffs for summary judgment. Can you tell us the basis for the motion by the plaintiffs for summary judgment?

Mr. STEVENS. I would like Kirke to address that, if you don't mind.

Congressman YATES. What is the basis for the plaintiff's motion for summary judgment?

Mr. KICKINGBIRD. It is based on the previous submissions and their submission of the facts which is primarily relying on the existing legislation, that is, Public Law 93-580, the provision in the Constitution which calls for the President to appoint officers of the United States, and their contentions that basically neither the Alaskan Natives or the Indian tribes of Oklahoma are Indians. That is basically included in their motion.

There are statements of fact not in dispute and the memorandum contains their argument.

Chairman ABOUREZK. Who said that?

Mr. KICKINGBIRD. This is the plaintiff's memorandum.

Chairman ABOUREZK. That is, the Alaskan tribes are not members?

Mr. KICKINGBIRD. That is correct. One of their problems is they automatically make chairmen of all the tribes, whether they want to be or not—and they automatically made the Alaskan Regional Corp. one—and they don't know what to do now.

Commissioner BORBRIDGE. They also entered into that suit automatically, without consulting us, as well. "Automatic" seems to be a procedure which does not necessarily always involve individual membership.

Congressman YATES. John, maybe they didn't consult you because you are not an Indian.

Mr. KICKINGBIRD. On October 9 we will submit our cross-summary and this will dispose of the suit shortly.

Chairman ABOUREZK. What are we going to do with this lawsuit over entertainment?

Mr. STEVENS. I suppose we will have to wait for the next one.

Chairman ABOUREZK. If there are no further questions or comments, go ahead with the task force reports, Ernie.

Mr. STEVENS. I want to say one thing in reference to this discussion. I have sent one memorandum out to the task forces about 2 weeks ago that more or less reiterated the kinds of procedures that are already in effect, for instance, pointing out that further hearings would be subject to the approval of plans and so on.

In reference to what you were talking about, under our existing procedures we could probably write a memorandum clarifying everything.

I think one of the things that came up in the task force discussions with some of the Commissioners is that the most direct question was from Mel Toonasket of NCI, one of the task force members, and that could be disposed of as president of the NCI, and he can do whatever he wants to.

I think possibly a clarifying memorandum just cutting through all of that, and restating our position and relating to the procedures, would be helpful, and I will do that as staff director.

One of the things I think the Commissioners ought to also consider, though not at this time, but thinking about it, we have become a catchall for many motives, not only ourselves in many cases where we see an opportunity to get some of our good work done, so to speak, but also other people.

For instance, I got a call from the State of Nebraska indicating they were considering holding up any further discussion of the retroversion until we completed our report.

On this particular matter, I think that comes under the area to be discussed. I asked them to let me talk with the Bureau of Indian Affairs

and others as to whether or not that would be a wise move. I told them I considered possibly it was not, and they ought to reconsider whether or not they had actions available to them that in fact did not depend on our view at all. So we have a situation like that.

We have other indications from various sources—on the Hill, our own staff, Indian organizations—that the whole question of putting something for the consideration of the Commission might be used in various ways.

I think we ought to think about that and maybe as part of the policy of some future statement make that explicitly clear with people. But it is being considered by a lot of different people. I wanted to bring that up to the Commissioners for their consideration.

Mr. KICKINGBIRD. In addition to that, people will write us letters asking that we support their proposals for such and such to such and such an agency. They see us as a panacea, instead of going themselves. This particular proposal, was by an Indian group in New York.

I just wrote them back and said I think it would be most useful to you to approach them through your Congressional delegation. You will need their support, anyway.

We are getting various kinds of requests from people who view us as a kind of panacea or as a tool for whatever their purposes are—whether to avoid making decisions or whether they want to rush to decisions and issues. I think the group should pursue all their alternatives and not just rely on us, especially since some of our work will not be completed at least for a year, and then another year and a half following that before the final report.

Commissioner WHITECROW. Before we get into the task force reports, I would like to ask a question.

The schedule somewhat concerns me. I have been receiving quite a bit of correspondence from tribal groups that are just a little apprehensive that our task forces will be scheduling hearings in areas without proper notification.

In the hearing Task Force No. 4 conducted in South Dakota, I had a letter stressing their concern with regard to such short notice. The Sioux were not able to respond sufficiently and did not have sufficient time to put together a statement in regard to those areas of Task Force No. 4 that they were concerned with.

So in your point of operations I have not been able to find it yet, but is there included there any particular schedule so that proper public notification may be given to the tribes in the area where task forces will be conducting hearings?

Mr. STEVENS. Yes. Let me tell you a few things.

In reference to the letter from Standing Rock: It has been answered. Sherwin Broadhead from the jurisdiction task force, wrote a letter to the chairman of Standing Rock and pointed out to him that we will give them proper notice; that we anticipated further hearings at some future date, and that he will notify him well in advance, like—they asked for 90 days. We need about 60 days. He talked with them.

Related to that, as a part of the memorandum relating to task forces, I have asked him to refer to the rules, and there is a requirement for proper notification.

Chairman ABOUREZK. I don't think we have to give 90 days notice.

Mr. STEVENS. I was pointing out that Sherwin was trying to do right by Melvin, and he said we will be back and give you plenty of time.

Commissioner WHITECROW. In this particular case, 3-day notification, and 2 days were not work days, and I think that was a major concern. I think they should be given a minimum of 30 days notification to put it together.

Chairman ABOUREZK. I just want to say that I don't—in fact if they can do it in 30 days, that is fine. I don't know if they can or not. I know around here when we hold hearings we don't ordinarily give 30 days notice. We try to give a week at the very minimum. In fact I think the rules require a week around here.

One thing that the tribes should be notified of, if they have not already, and that is not the end of the hearings. There will be more where they have more chances to testify if they could not make it to that one, so there was no real harm done. I understand there were some feathers ruffled, but that was the extent of it. There was no serious damage so far as shutting off anybody's input.

Excuse me for interrupting.

Mr. STEVENS. They are both pointing out to me the same page number. Page 153 in your new manual, I think, will deal with that.

We have reminded the task forces of this 30-day general notice of hearings and establishing time, dates, building, and room location, shall be given not less than 30 days prior to the scheduled date of opening the hearings. Public announcements, press releases, and articles subject of concern to local areas should be directed not less than 10 days prior to the meeting.

I would like to say I have reminded them of that and, also, as a part of their plan of operation there is a schedule of hearings and as a part of that you will review each task force individually. That was the checklist and the thing you will get in the mail. This is a proposal from them on where they feel their hearings should be held.

There is a fine point that came about which I would like to explain, which has been somewhat mitigating. It was initially harmless. We were talking at Commission hearings. These were the area rules we set. It was not clear in our minds. I know Kirke and I and Ray, that we saw task force meetings and Commission hearings, and then later on possibly even task force hearings. We did not allow for task force hearings in our budget and we did not even really understand explicitly how and whether a task force could hold a task force hearing.

It finally turned out that it is just a matter of semantics, and except for the fact that they cannot subpena, so a task force meeting becomes a hearing.

Since this one occasion, and I think Sherwin Broadhead will review this situation when he makes his report, but since that has happened, we have gotten together and we have got a lot out of that particular happening. We have found out, for instance, for a task force hearing the kinds of problems you get into. It is not just the notice and what kind of short notice could be, it is the facilities and what kind of facilities and so on and so forth.

So we got a great deal of benefit and we are taking great pains and we have taken great pains to soothe the feelings particularly of Sioux chairmen.

We do have the provisions in here. You do have the plan of operations approved and reviewed by the Commission, the specific dates and schedules for the hearings as they propose them, and I think that will really take care of it.

Mr. KICKINGBIRD. With regard to testimony or presentations to the task forces, as will become apparent in discussions by task force representatives here this morning, not all of the task forces are scheduling hearings or certainly are not scheduling very many hearings. What we want to make clear is now, or at any later time, and what we made clear at the jurisdictional task force hearing, is that we stand ready to expect information at any time. We stand ready to accept testimony at any time because we want to remain open and flexible about receipt of this information.

It would be very difficult, and especially as our time draws closer to having both the task force and final reports completed next year, if we have to analyze all of that information in a hurry. We may not be able to do as thorough a job as we would like to.

If people want to offer testimony, offer factual information, or offer their viewpoints on certain things, we stand ready to accept that at any time, so we are not limiting the acceptance of information just to the time of these formal hearings.

Commissioner WHITECROW. Thank you very much.

In addition, I would like to point out to all of the task forces, from my personal standpoint, I think we need to recognize also there are an awful lot of people who are inhibited from giving their particular testimony at all of these various hearings because of lack of funds for travel and so forth to get to these hearings. If we can, let's try to provide ample opportunity and ample time for these people to make preparations to make their testimony because not all of them do have the money necessary to attend a hearing and present testimony that they feel is absolutely necessary for the continuance of their tribe.

Congressman YATES. May I ask a question with respect to the tentative rules.

Why do you limit the number of Commissioners who may attend these hearings? Suppose it is a very important hearing and more than two Commissioners want to attend?

Chairman ABOUREZK. Is there a limit in some regulation you have?

Mr. STEVENS. That was the recommendation that was adopted. We did not really mean for that to happen. We were just recommending in usual cases there not be more than that, but if you had an important meeting it was not our intent to limit that.

Chairman ABOUREZK. We established very early in our meetings that every member of the Commission is also an ex officio member of every task force, so if we were interested in a particular issue we could appear at that task force meeting.

Congressman YATES. The act requires at least one congressional member must be present at any congressional hearing. In order to prevent the appearance of overattendance of Commissioners it is recommended that no more than two congressional members, and not more than two Indian members be present.

Chairman ABOUREZK. I did not know that was in there. I would move we strike that.

Mr. STEVENS. That was the recommendation adopted.

Chairman ABOUREZK. I will entertain a motion to strike that.

Congressman YATES. I so move.

Commissioner WHITECROW. Second.

Chairman ABOUREZK. All in favor say, "Aye"; opposed, "No."

The motion is carried.

Congressman YATES. How much of the rule are we striking?

Chairman ABOUREZK. It is the part about putting an upper limit on the number of Commissioners.

Mr. STEVENS. It would be under 1, Tentative Rules, under A. It would be the first paragraph under A of Tentative Rules.

Congressman YATES. These rules relate to hearings: Do they not?

Mr. STEVENS. Yes.

Congressman YATES. How do you propose to preserve oral testimony? Will you have a stenographer there? Will you have somebody taking notes? How will you at a later time be able to say that this was what was received at a hearing in the event somebody disputes it?

Mr. STEVENS. We will have recorders and we will also have people present to take written notes.

Congressman YATES. I did not see anything in the rules indicating that reports be made of the evidence. Is there or have I overlooked it?

Mr. STEVENS. In the second paragraph in that same section, (B), we are hiring local recorders. In addition to the above, there will be a recorder.

Chairman ABOUREZK. Is that a requirement that all of the testimony be recorded?

Mr. STEVENS. At the actual hearings.

Congressman YATES. What if you can't get a recorder?

Mr. STEVENS. In the hearing we don't anticipate any problems. They have local recorders who are available, like court reporters and so on.

Congressman YATES. I assume a recorder may be an informal recorder.

Mr. STEVENS. Yes; in meetings we can use tapes and secretaries.

Chairman ABOUREZK. That is a good thing to bring up now. Does the Commission want to make sure that all testimony of task force hearings be taken down and made a part of the hearing record? Do we or do we not want that? Are there any comments on that?

Mr. KICKINGBIRD. The task force representatives were going to present various plans. Some of them I think, will suggest on certain occasions, such as informal meetings and so forth, the use of recorders be allowed. Such as CI meetings, where very often they take down a transcript of the meeting through a tape recording machine. You might want to hear their comments before you consider what the formal procedure should be.

Chairman ABOUREZK. Can we establish as a minimum there will be some method of taking down some testimony of all task force meetings whether it be by court reporters, tape recorders, or a secretary? I think that is very important.

Congressman YATES. Are you suggesting that it be verbatim reporting? I wonder whether in an informal hearing at some point on a reservation that kind of facility is available. Perhaps you may want to include the possibility that a staff member takes notes.

Chairman ABOUREZK. That is what I meant, with a staff member using a tape recorder.

Congressman YATES. I did not know they were that expert.

Chairman ABOUREZK. Using a tape recorder?

Congressman YATES. Yes.

Chairman ABOUREZK. We can teach them.

Would you try to establish that with the task forces?

Are there any further comments or questions?

Mr. STEVENS. The first task force, Task Force No. 1, related to treaties. Bruce Davies is a specialist for that task force.

Chairman ABOUREZK. How do you plan to present these task force reports to us today? Are you going to bring the specialists or the task force members?

Mr. STEVENS. In each case it is a different person. Not all of the members of the task forces are in town or present. In most cases it is the chairman, but in two or three cases it is a specialist, and in one case it is a consultant.

Chairman ABOUREZK. They will tell us what they have done so far, and their projections?

Mr. STEVENS. Yes. We have the report which has been written and that will be given to you.

No. 1, is the Federal-Indian relationship.

Mr. DAVIES. I think this report is pretty straightforward, so I will just give a bit of the highlights of what we are planning to do right now and in the future.

I came on Monday and began to do basic research in treaties and historical backgrounds of treaties. Two of us are now working on it full-time and we hope to bring on a third person, probably Charles Jackson, a member of the Wyandotte Tribe.

With three of us working fulltime we hope to be able to cover all of the areas we have laid out for ourselves.

Chairman ABOUREZK. What do you see as your objective for your task force? Is it a study of treaties?

Mr. DAVIES. We have broken it down to treaty and trust responsibilities. I will be doing most of the work on the treaties and Hank Adams on the trusts.

Chairman ABOUREZK. What will your study involve?

Mr. DAVIES. I am beginning back with treaties during the Confederacy period, and working up to the Treaty of Grant, to see what some of the major trends were in the treaties, such as provisions for education, provisions for respecting sovereignty, what were the items relating to jurisdiction, questions like that. We see this as being good base material for use by ourselves and other task forces.

For instance, I think if we finally have a chronological report of how basic terms were used in the treaties, other task forces, such as tribal government or education, can take what we have and incorporate it into their work.

Chairman ABOUREZK. Do you intend to try to determine whether or not the U.S. Government can live up to any portions of those treaties yet?

Mr. DAVIES. I think so. I am not the person who will be doing that part of the work. I think I am basically just trying to gather the facts and let the other task force members make the determination.

Chairman ABOUREZK. You will put all of the treaties in one volume and compile them so they are easily referrable?

Mr. DAVIES. That has been done in the past. I think we will break the treaties down into segments.

Congressman YATES. Did you say you were breaking treaties down?

Mr. DAVIES. We are just trying to break them down and analyze them.

Chairman ABOUREZK. Are you going to take up the Sinai Treaty?

Congressman YATES. Are all of the treaties gathered in any particular volume or volumes? Has there been a collation of all of the treaties?

Mr. DAVIES. There is a partial compilation done by Kappler, back in 1890 or so. The Institute for Development of Indian Law has published a lot of those treaties, but for some areas no work has been done at all.

In the colonial era there are hundreds of treaties nobody has ever looked at before. So we are going to have to go back and take a look at those, too.

Congressman YATES. Do you propose to place all of those treaties into a volume comparable to the work done by Kappler in some of those treaties?

Mr. DAVIES. We may have to, in the end.

Chairman ABOUREZK. That is a good point to bring up. Let me ask Lloyd and Sid, just by way of making it cheaper for the Commission to do this: Should we ask the Library of Congress to compile every treaty, having them compile the treaties for us, or find out if it has been done but have it put in a volume and broken down by tribe?

For instance, how many treaties has the Sioux Tribe made with the Government, and go on to the other tribes.

Congressman MEEDS. I think it is an excellent suggestion.

Chairman ABOUREZK. Would you get a letter prepared to the Research Division of the Library of Congress asking for all treaties between the U.S. Government and Indian tribes from the beginning, including the colonial era, broken down by tribes, and then chronologically within tribes. You might just have to hand carry that letter over to the Library and sit down with them and ask them to do that in a very short time. They may have it already, so that we can then take that compilation and perhaps have the Government Printing Office put it in paperback form for us.

Mr. STEVENS. Mr. Chairman, we will do that, but I would like Kirke to respond to that. That is kind of one of his specialties.

Mr. KICKINGBIRD. There have been various compilations of treaties. None of them have been completed. On several occasions there have been for the series that my former organization, the Institute for International Law Development—we found in our research that treaties had been left out which had not been included. Some of the kinds of lists that Kappler had relied on were not complete.

In addition to this, the Institute began to work, but they are very voluminous. The problem is some of the digging has to be done through the Archives and private libraries and so on.

Pete Taylor will be able to present some additional information about treaty compilations. The Indian civil rights task force with which he was engaged in work at the Interior Department had as one of its responsibilities, a rewrite of Kappler. The principal work they were attempting was an annotation of that volume to look at what particular provisions were relevant today. So when Pete comes up I would like him to add some additional information on that.

I don't believe the Library of Congress will be able to do as thorough a job as we would like in delving into some of the treaties made in the field. We are still having to search through records, letter files, and so on, at the National Archives to obtain the original copy with its various terms.

Congressman YATES. Mr. Chairman, I suggest, then, you expand your request to include the National Archives as well as the Library of

Congress, and such other Federal institutions that may have available any of the data.

Chairman ABOUREZK. Will they do the search, or do we have to send someone, or will the task force?

Congressman YATES. I am sure they have a reference facility available to the treaties. Somebody may have to go down there and find out exactly what is available.

Commissioner DIAL. Mr. Chairman, I believe it would be best to dispose of this subject until Mr. Taylor makes his report, and then take it up again.

Mr. STEVENS. When Mr. Taylor makes his report, Gil Hall will be here. He is the legal research man, and he has been talking with the Library of Congress and various other people over a number of matters, and I think that is one of them.

Chairman ABOUREZK. If you have something going already, let us know what more should be done, and if we have to do anything, we can. But I think the objective ought to be a compilation of all treaties broken down like we requested.

I have one other question. On trust responsibilities: How do you intend to do that? One, will you first of all try to define what the Government's trust responsibility is; and two, how they have carried it out and how they have not carried it out?

Mr. DAVIS. I think so. I am not the person working directly with that.

In talking with Hank Adams, he said that is the method he has taken.

Congressman YATES. Mr. Chairman, on this point, has there been a definition by anybody, particularly the courts, of the Government's trust responsibility?

Mr. KICKINGBIRD. We have various compilations and various reports which deal with pieces of it. We have the various decisions of the Claims Commission and Federal and State courts, but I see it as one of our jobs to bring this into better focus.

In some cases the fuzzy areas cause us various kinds of problems, such as the whole issue of what kind of responsibility does the United States have toward Indians. Is it to only one group, that is the recognized tribes, or is it the constitutional duty to all tribes in the United States?

In the testimony establishing the Commission, Mr. Meeds had an exchange with Commissioner Thompson who said we only serve those on-reservation Indians. Mr. Meeds replied that would leave out half the Indians in the United States. This is the kind of problem it brings up, because it is not very clearly stated in any one place.

Congressman YATES. I think for my own purposes, I think it is important that I would like to have whatever authority you have today on the trust responsibility. If the staff could furnish me with whatever is available, preparatory to your ultimate work, I hope you can do that.

Mr. KICKINGBIRD. I think Ernie mentioned it, not in correspondence, but at one of the earlier meetings, he would like to have special reports prepared to brief all of the Commissioners on the backgrounds, an outline of what we have and a frame of reference in which to work in establishing some of the decisions and some of the kinds of recommendations that will go into the final report.

Mr. STEVENS. Mr. Chairman, could we have Gill Hall go quickly over some of the things we are doing related to these subjects now?

Mr. HALL. With regard to the trust responsibility question, we have a good deal of material already compiled in the library and in the Commission staff. What we do not have, and what we are in the process of putting together is a compilation of all caseloads which deal with that issue as well as others. The materials we currently have, we can easily make available to you and as further material comes in we can forward that to you as well.

To carry on a little bit further on that, we are dealing not only with that question but in the process continually of compiling research material. I have had a good deal of contact with the Congressional Research Service.

Incidentally, the treaty question, we have currently in our Commission a list of about 1,000 pages of a compilation of treaties that was done by the Senate subcommittee in 1950. It is not like most of the other materials on treaties, however definitive. If you put them all together even then it would not be definitive currently because most of them do not include a lot of the State treaties, but I definitely feel, yes, as definitively as we can make it. It should be put together as soon as possible.

Commissioner DEER. Perhaps Hank Adams can answer this question. I have heard some discussion about some of the task forces that there is some difficulty that they are having in conforming to the general outlines and guidelines that the Commission has set down in terms of objectives, goals, and this kind of thing. I would like some comment on this.

I understand that Hank was here yesterday and I am wondering, since he is the task force chairman, why isn't he here giving this report.

Mr. DAVIES. I am not quite sure. I think he is involved in a delegation.

Mr. KICKINGBIRD. When we sent out the notice, we made a suggestion for task force personnel to be here and one of the things we emphasized was discretion in the use of budgets. In cases of the task force specialists hired here in Washington, and this is the case with other personnel, we want to allow them the option in deciding whether to have the task force specialist or task force chairman or whatever.

Congressman MEEDS. Would the gentlewoman yield for a moment?

Commissioner DEER. Yes.

Congressman MEEDS. I am sure there will be occasions when it will not be possible for a task force chairman to be present, but it would seem to me, if that person is in town, that he or she certainly ought to be available to present the task force report to this Commission so that we do not get these kinds of things. I am not blaming Mr. Davies, the kinds of answers we have gotten—well, I don't know about that. That is somebody else's responsibility. The fact is the responsibility for the entire task force is the task force chairman. I think it is somewhat of an insult to this Commission to have reporting to us someone who cannot take responsibility and answer the questions with regard to the scope of the activities of the entire task force.

If that is what Ada Deer is raising, and I get that inference, I would certainly join her in that apprehension.

Mr. DAVIES. I think part of the difficulty in my answering some of your questions is that our task force, like most of the other task forces, is only getting underway now and developing our plans in terms of exactly what we are trying to define as problems, as goals, and as

objectives. It is difficult at that point to come out and say something exactly.

Congressman MEEDS. I hate to disagree with you but your own report to this Commission indicates you had a briefing and orientation session on July 17 and 18 and August 4 and 5. All task force members met in Boulder, Colo., to finalize scope of work and general plans of operations.

Mr. DAVIES. Let me illustrate it by one point that has come up. In talking about the question of trust responsibility, as far as I can see, it looks like it is very straightforward but then when you see it interrelates with three or four other task forces you realize you have to coordinate and some of the task forces don't have specialists yet. Then you see it expands out beyond just the question of Indians. It relates perhaps to the system of Micronesia now.

Congressman MEEDS. I am not saying you should be prepared to answer indepth questions about the trust responsibility. That is a whole year's study. I don't expect that, but I do expect somebody responsible and responsive to structure the task force, tell us what it is doing, and how it is doing it.

I thank the gentlelady for yielding to me.

Commissioner DEER. Yes; my point in bringing this out was to establish that I have heard some discussion on this, that some of the task forces are having difficulties in following the general outline that the Commission has prescribed. I feel it is necessary to have an outline, or otherwise we are going to get a mass of material that will be disorganized and it will be very difficult to evaluate and then to proceed from there.

So, I guess perhaps you are not the person to answer this. We should really have the task force chairman here, but I would like the task force people to present their reports and comment on this particular point, whether or not they feel the basic outline and structure that the Commission has outlined for the task forces is workable and give us your input on this. If it is not, then we should make some basic changes on this.

Mr. DAVIES. I think that is a thing we have here in the report under C and D on page 3 of the report, it concerns about developing structure. You may want to read through them. I don't think I have to read them over again.

Mr. STEVENS. Mr. Chairman, I would like to bring up a point here since I think I can bring part of the problem related to Hank's disinclination to deal with our outline. We had a long discussion over it. I guess it was what is called a rather animated discussion, but we are buddies so it is no problem. Hank is not the only one who has chafed under the bit of the outline, so to speak. I understand why because they feel that they want to develop it in a style that they want to. I appreciate Hank's position and he wants to deal with it the way he wants to.

My particular problem and the reason why I was not receptive to his do your thing" attitude is because I have to deliver a Commission report. I have to deliver elements of 11 different task forces in an orderly fashion. I discussed it with him as a problem. If I were in his place I would be taking his position, but I am the director and I have to deal with 11 task forces.

Congressman YATES. What is his position?

Mr. STEVENS. That there is too much to do over an outline for a scope of work, a plan of operation and a specific requirement for an outline, and so on and so forth. He is not the only one. So as a result of that we have 11 reports in 11 different ways. Now I have to risk displeasure further because I am going to send it back to them and ask them to put it in a format that I asked them to give it to me in the first place. But we don't have any problems about that. If we have a problem, we discuss it, but I think it is a problem of perspective. You have to look at it from the standpoint of the Commission and what has to be delivered and I have to look at it from the standpoint of the mechanics and if I were a task force chairman I would want to do my thing. I wish Hank were here. I wish he would come. I think sometimes a person who wants to do their thing wants to develop their way or something. I don't think a specific outline, in telling a Commission what has to be done, limits that.

I think what limits a task force's opinions is when you try to tell them where you want them to hold their hearings, what their conclusions are, and all that.

But in order for me to approve and analyze all these plans of operations, it is much easier for me to deal with a certain section that is the same all over. I don't see something limiting about stating our objectives. If all of the objectives are in one place it is easier for me to look at.

I have told the task forcers I do not consider it binding if it is an awful matter to them, I have told them, well, whatever you want to do, and I will search their presentation and try to find the elements I want. But the interpretive talents needed for doing the work of 11 task forces is just impossible for me. It is hard enough to deal with 11 of these very complex things and try to achieve some kind of coherence in schedule. I would rather be in their displeasure for a couple of weeks. After it is over that will be it and we will have months of substance and straight run and everybody will know what everybody is doing and they will all have their objectives. I just wanted to say that was my response to Hank and Kirke, and Hank and I talked a long time over it. And when we finished our positions were the same. And, of course, I can decide on the arguments.

Congressman MEEDS. I think it is very important, Mr. Chairman, that we make amply clear the lines of authority in this entire matter right here and now if it is not clear. I thought it was clear.

The Commission is the ultimate authority. The director of this Commission is directly responsible to that Commission, and all of the task forces are responsible to the Commission through the director, and the director is to do precisely what the term implies—to direct.

We have set forth a procedure which the director presumptively, and certainly to my knowledge, is carrying out. Within that procedure was a definition of the scope of work which was to be carried out by each task force and that scope of work was to be presented to the director and approved by the director—if my memory serves me correctly.

Now, I think any task force chairman or any member of a task force certainly can come directly to the Commission and discuss this, any misunderstandings or disagreements they may have, but in the absence of any contrary instruction, the direction of the director and of this Commission are to be carried out by the task forces. I don't think we

have any room here for elongated or prolonged arguments, at least in following the procedures we have set up.

I view with some alarm that the director reports to us that he is having problems in seeing that what we have already said should be done, should be done.

Did we not set a time frame within which the scope and jurisdiction of each task force was to be established?

Mr. STEVENS. Yes.

Congressman MEEDS. Has that time come and gone with regard to Task Force No. 1?

Mr. STEVENS. Yes.

Congressman MEEDS. Has that scope and jurisdiction been defined?

Mr. STEVENS. It has been defined, but not approved yet. It can be approved in about a week, I believe.

Congressman MEEDS. Do you have any problems with the approval or disapproval of that?

Mr. STEVENS. No; I think I need it to underline the fact that although we were left in the same position, Hank was not saying that he was not going to go along with it. He more or less said, OK, if you want to do that I will do that, but I still don't like it, but it was all very friendly.

I have more or less adopted the attitude of trying to get people to go along and they have just about 100 percent—well, I would say 100 percent. That way, I would rather talk them into going along with the guidelines rather than trying to impose myself on them. It is working out very well. Everybody is being very cooperative and we are just a shade slow on this.

Congressman MEEDS. Have all of the scope and jurisdiction outlines of the various task forces been presented to the director yet?

Mr. STEVENS. It is just a matter of format. All of them have. The problems we have are with format suggestions.

Congressman MEEDS. Are those scope-jurisdiction outlines available to us?

Mr. STEVENS. Yes, sir. They are all being mailed to you starting Monday and along with the check will be lists, as I pointed out before.

Chairman ABOUREZK. I wonder if I might try to establish; along with what has already been said by Lloyd Meeds and others, some kind of framework for this whole thing—just in general terms.

First of all, it is the task of this Commission, established by law, to establish a U.S. Government policy toward American Indians, hopefully to be accomplished by American Indians themselves through the task forces and the people they employ on the task forces and through the consultants.

We have a specific set period of time within which to do that job of establishing Federal Indian policy. When we ask the task forces to undertake the studies necessary and to return to us with the factual background and then with legislative recommendations that we will either approve or disapprove once they are returned to us, we have to set a time period within which they must operate as well because we have that time period within which we are constrained.

So, really, I think all the Commission is asking is that the task forces themselves operate within that time period. We are not at this period telling them what to find or what to recommend because we will have

ample opportunity to act on that when the reports get back, but we have to make sure that the reports do get back to us.

I guess what we are asking is that the task forces follow a certain format, only for procedural purposes, not for substantive purposes.

So, when the point is made that a task force chairman who is here in town has not appeared to answer questions on his format and on his procedural purposes, I think we have a very valid point, because the task force specialist who is new at his job does not know what the task force chairman has in mind yet. He may a month from now, but he does not at this point and it is a bit embarrassing for the Commission to find out we can't get the answers to the questions we want. That is what I see as the framework.

Does anyone here see anything different from that?

Commissioner WHITECROW. That is exactly right.

Mr. STEVENS. You have hit the point directly. It is a matter of substance. I felt that Hank ought to bring this subject up if he felt the need to and include it in his report. I think there are other restrictions that certain task forces have. One is in reverse. The tribal government—Wilbur is next—that task force is way in advance of practically everybody. They were very fortunate. First of all, they have a fine task force, but they have also had additional help and I believe they had the specialists first and they have an excellent report. So, they are chafing under the restrictions of our looking at all of these task forces.

Also, we feel the need to compare them. So there is the other kind of restriction where people are way in advance of us and they are waiting around for us to get that done.

Chairman ABOUREZK. Would you identify yourself?

Mr. MOORE. I am a task force member of Task Force No. 11.

During the conversation I wanted to make a comment. Ernie's comment that the task force has begun a discussion and is complying way ahead of many of the other task forces. I feel there is to be a reaction rather than a responding and to take up the time of all of these other task forces, when that could be dealt with specifically would not take sides. But we have task forces working and we feel this is surrounding one individual and that is cruel if you want to do that. We just don't feel we should be taking up all of our time.

Congressman MEEDS. The point is well taken in one respect, but perhaps Mr. Moore overlooks the fact that we may be speaking to all task forces through one person.

Mr. MOORE. I think the input from the task force members and chairmen would indicate the attitude of our conformance or noncompliance or whatever with the procedures that have been set up by the Commission staff. I don't sense that among the other task force members because we accept things you cannot change and that sort of thing. We want to get to work. If those are the rules and regulations and format and everything, we may object and the staff may change it so it complies with the Commission wishes, but I think it is more administrative kind of substance and I am hopeful we will be dealing with substantive matters rather than administrative procedures.

Chairman ABOUREZK. Thank you, Mr. Moore.

Does anyone have any other questions of Mr. Davies? If not, we thank you very much.

Mr. STEVENS. Next, I would like to introduce Wilbur Atcitty.

Wilbur is the executive assistant to Chairman MacDonald from Navajo. He is the chairman of Task Force No. 2 on tribal government.

Mr. ATCITTY. Thank you, Ernie.

I would like to say I appreciate the opportunity to appear before you to give you some idea of what we have done so far.

First, I would like to introduce the other member of my task force who is here today and that is Mr. Alan Parker. He will be reporting on some special areas of concern that we will be studying over the next 10 months.

We also have Mr. Michael Cox who was introduced earlier and he is our task force specialist.

We view this assignment as being very important and very crucial and which will affect Indian policy in the future. Therefore, we do not take this assignment lightly. We have been working hard and very conscientiously. I would like to thank the Commission for pulling together the kind of people who are hard workers and particularly for this task force. Jerry Flute is not here with us today, but he had another appointment he had to keep in North Dakota.

I believe one thing that is missing out of the report that was handed out to you was the fact that this task force is acutely sensitive to the need to treat tribal culture as an integral aspect of tribal sovereignty. It is our view that preservation of tribal culture is a primary function of tribal government. It is a tribe's culture more than any other single factor which gives the tribe its cohesiveness. Without it, there would be no tribe.

Congressman YATES. Was there a working paper we were supposed to have on this task force?

Mr. COX. Yes, sir. It is included in the materials I put on your desk earlier. It is called a progress report.

Mr. ATCITTY. I would like to comment on Commissioner Deer's concern over our ability to adhere to the outlines that have been provided by the core staff. We have had no problems in trying to fit in our ideas as to how we should fulfill the scope of assignment in the outlines presented to us. The only place we disagreed was defining a tribal government. I think we took the position we cannot define it at this time. It is basically our task to define it and define it in the final analysis.

Our basic goal is that this task force will examine the structures and determine the function of tribal governments as they relate to the ability of tribal governments to respond to the needs and desires of tribal members, to protect and enhance tribal sovereignty, to meet the problems encountered by Indian tribes in the future, and to enable tribal governments to carry out these functions.

In order to achieve this goal, the task force must identify the restrictions and limitations on tribal government. It will then be in a position to define recommendations of both a legislative and administrative nature for removing those restrictions, taking care to assure that the benefits of trust protection and other special relationships with the U.S. Government are not weakened. In addition, the task force will be able to recommend ways to improve the internal authority and capability of tribal government.

To fully understand the external and internal restrictions and limitations on tribal governments, and perhaps more importantly, the interrelationships of these factors, the task force must undertake a comprehen-

sive analysis of tribal governments. This analysis should reveal those areas where governments utilize powers and functions effectively, and effectiveness should be further defined to reveal structural characteristics of the tribal government; such as: Deficits in organizational elements or technical skills, budget analysis and development of personnel systems, program management and evaluation, et cetera. In identifying the structural characteristics, the areas where capabilities need to be developed if tribal government is to use its powers most effectively in the interests of its members will become evident.

A moment ago Ernie mentioned the fact that we have taken on our own initiative to seek other funds to do the analysis of the tribal government. I would like to mention at this time that we have prepared—and we apprised Ernie before we did it and he was supportive of this idea to seek this additional funding—we have thus prepared and submitted a proposal to the Donner Foundation in New York. The work of this task force must be comprehensive and must have the opinions and concerns of a broad segment of tribal leaders including onsite assessments of a sizeable sample of tribal governments. The task force budget of $104,875 is inadequate in our view. For this reason a proposal to survey and analyze tribal government was submitted to the William H. Donner Foundation on September 8, 1975. Support from the Donner Foundation would enable the tribal government task force to carry out its objectives without having to compromise the depth, comprehensiveness, and representativeness of the study. Preliminary conversations with the Donner Foundation have revealed a strong interest in the part of Donner in, not only the proposal we have submitted but with the workings of the American Indian Policy Review Commission. To maximize our chances of receiving support from the Donner Foundation, we respectfully request Commission endorsement of this proposal.

Chairman ABOUREZK. I personally think it is a good idea. Any time any of the task force members can go out and hustle up money or help from anybody else, it is great.

Congressman YATES. I am not sure I agree with that.

Congressman MEEDS. I am not sure I do either.

Chairman ABOUREZK. I was just going to ask for comments.

Congressman MEEDS. I will be happy to yield to Mr. Yates.

Congressman YATES. It seems to me that almost every one of the task forces will be placed in the same position of trying to operate with restricted funds. I think the admonition was given by Ernie in the rules to the task forces not to spend too much money, to be very cognizant of their budgets, not to travel too much, not to have too many of their members traveling, so it is obvious to me immediately that the money is going to be a question. It seems to me that the importance of this work is such that if money is a question, the members of the Commission who are Members of Congress have an obligation to go back to the Government and try to get more money to complete this task in a good way, and in an effective way. I don't think it is a good idea to expect the chairmen of each of the task forces to make applications to charitable foundations for such funds to do an adequate job.

While I appreciate and commend the chairman of Task Force No. 2 for his initiatives in making his application to the Donner Foundation and commend the Donner Foundation for its vision and good intentions in making funds available, nevertheless, it seems to me that the same

arguments could be made for every task force because each one of them has a financial responsibility. If the funds are not adequate I think it is incumbent upon us as Government members of the Commission to make sure there is adequate funding. I just think this is something we ought to assume.

Chairman ABOUREZK. Lloyd Meeds.

Congressman MEEDS. Mr. Chairman, first of all I would like to review the history of that section that we have in the law providing for donations of funds, facilities, and personnel, as I recall.

The rationale was that there might be people who would want to donate facilities and personnel that we ought to be able to have them on staff and we ought to be able to pay at least for their travel expenses. It was in no way meant, certainly on my part, as an invitation to the task forces to go out and start soliciting funds from outside organizations to supplement or to augment the funds which had been made available to them.

Indeed, I recall that we were asked, I think by the gentleman from South Dakota or at least by the staff, to strike that terminology regarding donations of money on the House side because it would then have been necessary to have a conference or at least agree on a procedure which we did not feel would be able to be carried out timely before the August recess.

That being the only reason it went through the way it did—still containing the donations of money. Some of us were apprehensive about that even then. I am not in any way opposed if some private foundation were to want to come- and I certainly expect they will be offering personnel and facilities, and perhaps even money—that does not trouble me. But it certainly troubles me to think that a task force would affirmatively seek and take the affirmative position that they should go out and get more funds.

In that regard, I would like to ask some questions of the chairman of the task force.

First of all, why do you feel $104,000 is inadequate?

Mr. ATCITTY. Mr. Meeds, I probably should explain this proposal in a little more depth.

First of all, we were approached by the Donner Foundation to submit such a proposal. The legalities of this arrangement were checked out by Mr. Max Richtman and Kirke and Ernie. The task force is not going to be paid out of that proposal. It is entirely directed toward interviewing and sampling all the tribes, and the money will not come to the task force. The proposal itself was submitted by the American Institute for American Indian Law.

Chairman ABOUREZK. Are you saying the Donner Foundation would set up its own task force to do essentially what you may request them to do by way of providing interviews and so on?

Mr. ATCITTY. The money would be given to the American Institute for American Indian Law and the money will be given to them to conduct the survey.

I think even staff people here, the core staff, in preparing the plans of operation and other things, have decided on two matrices they developed to show the work of some task forces was more important. And I believe even the staff was aware that the task force on tribal government was broader in scope and I believe that material was approved by the Commission.

Therefore, I believe to do the kind of job that is necessary—because it just can't be a job that you just do in a kind of haphazard and lackadaisical kind of manner. I don't believe in that. That is why I am very proud to be sitting here to think I am in a position to effect policy changes for the future. So I hope that that answers the questions you have and some of the concerns that you might have had regarding these moneys. The task force members or specialists are not going to use any of this money.

Congressman MEEDS. I understand that, but I wanted to know why you felt the $104,000 is inadequate to do the job and perform the tasks with which you are charged? In what respect is it inadequate, that it does not provide enough funds for the survey that you think is necessary?

Mr. ATCITTY. We worked up a budget as part of the scope of work outline requirement and the $104,000 had somewhere in the neighborhood of 60 man-days of consultant time. If you will have an opportunity to review the scope of work outline of the tribal government task force, you will see we identified six primary tasks. The other five tasks will be accomplished with the existing budget. The sixth primary task, is an expensive survey on a national basis of all tribal governments which is intended to be accomplished with this supplemental support from a private foundation.

I think an example of our budget will reveal that the extent of the survey speaks for itself.

In other words, a survey effort of this nature would cost anywhere in the neighborhood of $50,000 to $75,000.

Congressman MEEDS. Who is preparing the questions?

Mr. ATCITTY. We have coordinated the work with some of our consultants and basically the work the task force has done.

Congressman MEEDS. I have great appreciation for the Donner Foundation for the work they have done in the past and what they will do in the future.

My question is one of policy. We are charged with doing certain things and we have delegated that responsibility largely to task forces. If task forces delegate that responsibility to someone over whom we have no control we have lost the chain of responsibility that must be continued.

I am particularly concerned that the responsibility for gathering information remain in an entity, specifically the task force in this instance over which this Commission has control.

Again, with all deference to the Donner Foundation, I don't think this Commission should be in any position which might result from a survey which the Donner Foundation takes over which we have no control and then being placed in a position of—the equally unacceptable alternatives—of accepting or rejecting what they have done.

Mr. ATCITTY. I appreciate your concern that this would have been a study or effort outside the scope of the task force itself, but we should have clarified that this study is under the direct control of the task force. We have drawn up the proposal. We will control the whole scope of the work. We will coordinate that closely with everything else we are doing. The staff will be recruited and under our direct control.

The foundation's interest is primarily an interest of the foundation itself. In other words, they are interested in supporting work which will one way or another support tribal governments on a national basis.

As I understand it, and I have had some experience in working with private foundations, their only concern is that you do what you say you are going to do. They don't attempt at all to direct the direction or influence what you set out to do. Their only concern is that you have fiscal accountability and that you in fact do what you say you are going to do. I think we should have clarified that officially that this is entirely under the control of the task force.

Congressman MEEDS. Mr. Chairman, I would just suggest—and I don't want to take an undue length of time here—in the interest of saving time that now that the task force report, scope of work and proposal to the foundation evidently is available that we be given an opportunity to look that proposal over and perhaps discuss privately with the task force this proposal and that we therefore defer approval of or disapproval of that proposal at this time.

Chairman ABOUREZK. Is that a motion?

Congressman MEEDS. I so move.

Commissioner DIAL. Mr. Chairman, I second the motion.

Chairman ABOUREZK. Is there any discussion?

All in favor will say "Yea." Opposed, "No."

The "Yeas" have it.

We will sit down with you and go over that with you, Wilbur.

Mr. ATCITTY. Mr. Chairman, we are aware of the time limitations that have been imposed and we want to do the kind of job that is necessary. If you want to make this review, I think we should do it almost immediately. Mike Cox is available to go over the proposal with you and show what it will do. I feel it is very necessary. I would like to request that we have some idea about support or nonsupport by, say, next week and I would respectfully request it.

Chairman ABOUREZK. I think we can dispose of it today.

Mr. ATCITTY. We have handed in the scope of work, plan of operation, and the proposal itself which is part of the plan of operation.

Chairman ABOUREZK. Why don't we take a few minutes right after we break and those Commission members who are interested in going over the proposal can sit down for a few minutes with Wilbur and let him answer questions on it and then we can give you a decision today.

Mr. ATCITTY. I would like to have Alan go over the primary task we have outlined very briefly. This proposal to survey and analyze tribal governments is only one of our primary tasks we have identified.

Chairman ABOUREZK. Alan, you will be here this afternoon, won't you?

Mr. PARKER. Yes.

Chairman ABOUREZK. There is a task force member who has to leave right away and we want to get him on before we break for lunch to allow him to catch an airplane. Then when we come back we may be able to settle all of the issues at once.

Thank you very much, Wilbur.

Mr. STEVENS. I would like to introduce Bob Moore, a Seneca, and he is a member of the alcohol and drug abuse task force.

Chairman ABOUREZK. Do we have copies of his report, Ernie?

Bob, if you are ready to go, go right ahead.

Mr. MOORE. Thank you, Mr. Chairman.

Mr. Chairman, members of the Commission and task force.

I am on a review over at Rockville this afternoon on an alcohol and drug program of significance in the Indian country and that part of the

whole task force thing is to deliver those services. I apologize for having to leave. I would also like to speak for the task force chairman, Reuben Snake, and the other task force member, George Hawkins, and their regret in not being able to attend this meeting. We had two reasons. One is to conserve our travel budget so that our travel is used, for the most part, in the field, in gathering, obtaining, and getting the data of this awesome task. The National Commission on Drug Abuse paid my way to serve on the review so we rode on one of the Government's agencies to attend this meeting, conserving our task force money. Currently, of the $104,000 for the alcohol and drug abuse task force, $97,000 is what we have.

That, in itself, indicates there is not adequate money because we only have one-half of a task force specialist sharing that person with the Indian health task force. We have split the money so we have a little over $11,000 for a task force specialist, but we will manage and make it adequate.

The Task Force No. 11 membership have met three times. We attended the orientation in Washington, D.C., with other task force members and most of our activities up to this point have been in learning and training and being able to cope and conform with the rules and regulations and procedures of the Commission and the Commission staff. We feel we have a handle on it. We are clear in our goals and objectives and responsibilities and intend to implement our action plan promptly.

We feel that obtaining, analyzing, and evaluating, and documenting alcohol and drug abuse as it affects Native Americans across the land is a very awesome job. We also plan to utilize all of the existing sources of data to obtain that information for the Commission's report.

I will be glad to answer any questions.

Chairman ABOUREZK. Bob, you state in this report that you are going to try to evaluate the effect of alcoholism on Indian people throughout the country. Do you intend also to provide some kind of recommendation to the Commission so that we can then recommend to the Congress what actions ought to be taken so far as treatment, detoxification, and things like that?

Mr. MOORE. I think an objective investigation in obtaining the data and when the data is all compiled the recommendations would come jointly from all of the task forces, the Commission, and our consultants. In other words, without any predetermined opinion, I think that the information that we will come up with in this year of study will let us make some very positive recommendations. We certainly are not going to look only for the negative kinds of things but also the positive kinds of things and record the positive things that are happening in regard to alcohol and drug abuse. To see what is or is not working.

Chairman ABOUREZK. What I guess I want to impress upon your task force is when you are done we want a recommendation as to what the U.S. Government policy should be toward rectifying what we know is a very serious problem of alcoholism.

Mr. MOORE. We will have definite recommendations; yes sir.

Chairman ABOUREZK. Are there any other questions?

Congressman MEEDS. As I understand it, you have drawn up your preliminary plan of operation and scope of jurisdiction and have submitted that to Ernie?

Mr. MOORE. Yes.

Congressman MEEDS. Has it been approved yet?

Mr. MOORE. It is a preliminary plan and we are still adding addendums to it because it is still very tentative. I think all of the task forces and task force members consider it preliminary at this point because of the learning and qualification.

Congressman MEEDS. When do you plan to have a more definitive scope of jurisdiction or scope and jurisdiction----

Mr. MOORE. Within about 10 days.

Congressman MEEDS. I compliment you on your report and the progress you have already made.

Mr. MOORE. Thank you.

Chairman ABOUREZK. Mr. Yates.

Congressman YATES. I don't know if you can go into this in any detail with the budget you have, but I think one of the important things is the causes relating to alcoholism and drugs. Do you have enough of a budget to permit you to go into this or is it not your intention to investigate this aspect of the problem?

Mr. MOORE. We will certainly use all of the studies that exist in the professional field, the causative factors among Indians is no different than among other factors except we have 12 or 15 more causative factors. Those are generally known in the field of alcoholism and drug abuse and so we will obtain that data on the causative factors.

Chairman ABOUREZK. Ada.

Commissioner DEER. I share Congressman Yates' concern on this. This is something that has been plaguing our people for many years. I would hope that your task force would coordinate with the health task force and get input from them. I am concerned about the many stereotypes that we suffer from in regard to this problem. I know that alcoholism is a major problem for everyone in this entire country. I would hope that we really could come up with some definitive statements on this and that we don't get lost just listening to studies and this kind of thing, because there was a great thrust to establish this as a special task force. I feel this is an opportunity to refute some of the misconceptions and misinformation that is rampant in our society regarding Indians. So, I hope you will do this.

Mr. MOORE. Yes, I am confident that we will, Ada. I would also like to commend the Commission and those people who made this task force possible. It came late and we will do our utmost to provide recommendations and do a comprehensive study. We have 2,000 front-line workers—Indians out in the field—and we plan to use them as part and parcel of Task Force No. 11.

Chairman ABOUREZK. Are there any other questions or comments?

Congressman YATES. Is the Indian Health Service cooperating with you?

Mr. MOORE. The Indian health task force, Dr. Rhoades and his task force—we will work very closely together. Are you asking: Are they cooperating in their reports and that type of thing?

Congressman YATES. Yes. I know that our Appropriations Committee deals with the appropriations for the Indian Health Service and this is one of their primary concerns. The subject of alcoholism is one of their subjects of primary concern. I was wondering whether or not there was cooperation between you and the Indian Health Service so if there is a need for special funding or special services they might not be able to be of assistance to you?

Mr. MOORE. Yes; this relationship is growing stronger. It was nil a few short years ago. The Indian Health Service and the area health boards have documented and listed alcoholism as the No. 1 problem. However, it is last on the budget item.

Congressman YATES. I yield the floor, Mr. Chairman.

Chairman ABOUREZK. I am interested in an answer to that. I guess what Sid is asking is: Is Dr. John Emory's organization willing to help you and your task force dig up information and provide all of the staff help, and statistical help they have available?

Mr. MOORE. Yes; definitely.

Chairman ABOUREZK. You have talked to them about that?

Mr. MOORE. Yes.

Chairman ABOUREZK. I think they would be a very valuable source.

Are there any other questions or comments? If not, I want to compliment you very much on your work and thank you for serving on the task force.

Congressman YATES. Before we adjourn, may I offer a suggestion as to the form of the minutes. I notice the minutes for Friday, July 11, indicate the Commissioners were present at the beginning of the meeting. It does not have my name. I think I came 10 or 15 minutes late and my name does not appear as having been present at the meeting so I wonder whether or not the reporter will arrange to show in the future meetings all persons who were present, not only in the beginning but also members who are present throughout the meeting.

Chairman ABOUREZK. Yes; I will cut off one of Ernie's fingers for that. All of us are in and out, but that is a good point.

We will break now for lunch and return at 2 o'clock for a resumption of the meeting.

[Whereupon, at 12:45 p.m., the meeting was recessed, to reconvene at 2 p.m. the same day.]

Chairman ABOUREZK. The Commission will come to order.

We have another distinguished guest here for this afternoon's session. I would like to introduce the Honorable Melvin Askings, of the National Congress of American Indians [applause]. I guess we are ready for Wilbur Atcitty. We want to put him back in the " hot seat" for a while.

We were discussing that matter of the grant just as we broke up for lunch. I will entertain a motion at this time for approval and support of the proposal made by Wilbur Atcitty and his task force.

Commissioner WHITECROW. Mr. Chairman, I so move.

Is there a second?

Commissioner BRUCE. Seconded.

Chairman ABOUREZK. All in favor say "aye"; opposed, "no".

The "ayes" have it. The motion is agreed.

You have the full support of the Commission, Wilbur, to pursue that proposal.

Personally, I want to once again congratulate you for what you did.

Mr. ATCITTY. Ernie will be preparing a letter for us for Mr. Meeds' signature.

For the record, I would like to say our task force understands who they are working for. There was some concern about the control over the proposal we submitted. This says the work would be performed under the direction of Mike Cox, our specialist. It is also equally important that it should be understood there have been many assumptions made about what Indian people feel. I think in this case we don't want to make those assumptions. We want to go out and talk to tribal people and elected officials and grassroots people, to really get it personally from them, to get the feeling of what they really want.

For that reason we thought this idea would be the best approach.

At this point, I would like to have Alan Parker, very briefly explain the other tasks we have outlined.

Mr. PARKER. In addition to the analyses, surveys, identified taxation over tribal government, land-use control and regulation of natural resources by tribal government, the exercise of judicial authorities by tribal governments and the influence of the Indian Reorganization Act, on tribal government as all being primary tasks that the task force intends to focus investigative studies on, we have identified these earlier, our areas of special concern, briefly, our methodology will be a case study approach on each of those questions; that is, in our area of taxation we will attempt to identify or select a tribal government presently employing varieties of taxation schemes, and in a detailed way document what this tribe is now doing.

This methodology would also apply to the areas of land-use control and regulation of natural resources, effective IRA, and exercise of judicial powers.

I understand the constraints on the time we have available, so rather than attempting to go into any more detail about our plans on each of these special areas, or these other primarily investigative study areas, if

the Commission has any questions on our intention there, I will be happy to answer your questions.

There being no questions on behalf of the tribal task force on government, we would like to thank you for the opportunity to address this report.

Commissioner WHITECROW. Alan, did I understand you to say you are going to investigate the tribal taxation authorities in this regard? Do you feel the tribes, perhaps, may have some taxation responsibilities?

Mr. PARKER. As an attorney, and as someone who has worked in the area of Indian law for several years, I do know that as Federal law stands it is clear tribes, as governments, do have the authority to impose a variety of taxing powers. This power has been little exercised in the past, primarily because when tribes look at the reservations and the resources there they don't see that much to tax.

As a policy decision, I think most tribal governments decided not to impose taxes, but as our plan of operations attempts to explain, we feel that the whole question of taxation is going to be more and more cruicial in the overall scheme of things, and when you consider how tribal governments can be strengthened.

This is why we decided to focus on—among other questions—the question of taxation powers by tribal governments. We want to look at how a tribal government, as a government, will deal with the question.

Commissioner WHITECROW. Thank you.

Mr. PARKER. That same analysis applies to the other questions I mentioned.

Chairman ABOUREZK. Are there any other questions?

Are you going to explore, perhaps, any alternatives to the IRA establishment of tribal governments, such as, perhaps, even going back to pre-1934 methods of selecting tribal leadership?

Mr. PARKER. We will definitely look at the question of the historical evolution of tribal government. That is the final primary task that we have identified. I did not report on it just now because it—well, we agreed on certain subjects I would be reporting on.

To answer your question, yes, we intend to commission a study on historical evolution of tribal governments to explain that tribal governments are not new and the tribes have been governing themselves for hundreds of years and the IRA is one version. I think our study will lead to a very detailed analysis of how the IRA is now working. We would hope to base recommendations on that.

Chairman ABOUREZK. I am going to make this a question for each task force as they come up here.

Are you going to provide this Commission with recommendations as to what the U.S. Government policy should be with respect to tribal governments?

I am referring to legislative recommendations?

Mr. PARKER. There is no question in our minds that that will be the end result. We feel it is premature to anticipate in detail what those might be, but I think there is no question but that is what we see as being one of the most important alternatives.

Commissioner DEER. Perhaps your task force has considered this, but I am wondering if you are going to analyze any of the current tribal constitutions.

When we started out in our current tasks on restoration, this is one of the things we wanted to know, to have an analysis over the basic strengths and weaknesses of the various tribal governments across the

country, and we were informed there was little information on this. It seems to me this is something that should be addressed.

Mr. PARKER. This is included in the survey of tribal governments and stuctures which is the basis of the proposal we have submitted. The survey will include an analysis of the variety of functions currently employed.

To answer your question more directly, the Indian Law Center has a project called Indian tribal law government. I know some of the attorneys working on that project and they are in the process of making a collection of tribal constitutions, and they will be publishing research packages to answer questions like yours concerning what is the best type of constitution that they can consider using, and so on.

Wilbur was just reminding me, from one point of view, we have deliberately decided not to evaluate internal policies that tribal governments now operate under. We feel these are internal matters and decisions for the tribes in the communities themselves to make. For that reason we will not attempt to evaluate as an internal matter what policy the tribe would pursue as to form of government, but we will look at it objectively and comprehensively.

Chairman ABOUREZK. If there are no further questions I want to thank all of you very much for your presentations.

Mr. STEVENS. Mr. Chairman, we need to go out of order again because the health task force has an appointment.

Dr. Everett R. Rhoades is going to make a report for the Indian health task force. Dr. Rhoades is a Kiowa, is the chief of the infectious disease sections. I believe it is a nonfederally recognized tribe. He is in the University of Oklahoma Medical Services.

Chairman ABOUREZK. Do you have another member of your task force here?

Dr. RHOADES. Yes; I would like to introduce Lillie McGarvey.

Chairman ABOUREZK. I would like to welcome both of you here.

Dr. RHOADES. The third member of our task force, Luana Reyes, from Seattle, could not be here.

With your permission I would like to make comments in five categories, as follows, for you to follow me in my presentation.

I would like to make a couple of introductory remarks that are sometimes redundant but do need again to be said.

I would like to tell about our administrative status, our research activities, and then what we have planned for the immediate future as, perhaps, it relates to your question of recommendations.

I personally feel a very great honor along with the responsibility of being able to participate with outstanding people of the other task forces, as well as on the Commission.

From the standpoint of health, I think it is generally known in the Indian community at large, the very dominant role that the Chairman of this Commission actually played in the popular bill that is under discussion now on the House side that Mr. Meeds has introduced, also, the so-called Health Improvement Care Act. So I am personally very pleased to participate with the Commission from this standpoint.

I would like to commend the staff in the office, as well, for doing what I consider an almost undoable job in the time they have had. I know they have had some unusual problems with me, which I think they handled very, very well, and I would like to give them recognition.

By way of introduction, let me tell you what we regard as health concepts and problems within the task force. It is almost as difficult to define health as it is to define Indian, but we are using the concept that health is a state of well-being with all that that encompasses, and recognize that the American Indian concept of health is superior to the traditional European-American concept of health which preoccupies itself with the failure of some organ system within the body. The Indian concept has to do with the harmonious relationship with the rest of the universe. We regard part of the activity of the task force as a holding action that our responsibility is first to the Commission, but we recognize that if we are able to do our work well, we will be fulfilling what we perceive to the American people, which is to let the American people take advantage of some of the superior concepts of health the Indians have had but are rapidly losing because of problems.

The other aspect worth reiterating is that it is all pervasive. There are no aspects of Indian life that did not affect or are not affected by the state of well-being of health. Many of the aspects of health have less to do with the administration of, say, penicillin than it does with where and how Indian people live and the circumstances they find themselves in.

We propose to use this as an opportunity to examine the most fundamental bases for the American and the American Government's assumption of responsibility for Indian health.

I don't propose to discuss that in more detail now, except to say I become very uneasy when I start looking in the statutes and in the Constitution and the Articles of Confederation that everyone goes to, and find in my opinion a very shaky basis for a mandate for the Americans to assume responsibility for health. With all of the problems that are inherent in treaties, also, it is hard for me personally to understand how there can be an Indian problem in this country if the responsibility for Indians rests only with treaties.

I regard myself as a very strong tribal person, just having gone off the position of vice chairman of my own tribe, and it seems to me the recognition that there are some Indian groups that are more Indian than other groups is part of the problem, and represents a polarization that has to be dealt with.

In examining these assumptions, we propose to use what I think of as the Hemmingway technique in which Ernest Hemmingway proposed to write the truest sentence he could write, and I think we want to make the truest statements that can be made as to the basis of Indian health at the present time.

Part of the components in arriving at this type of truth, again I go back to the old, ancient traditional ways of approaching truth, which are not handy at the present moment, for dealing with, let us say, something like the bill which has been passed to set up a Commission which has to have answers, or at least the task force, within 12 months. So we have to find other ways to approach that truth, also.

That is by way of hoping to give you some idea of how we propose to approach the problem.

Our administrative problems have been such that I would like to blame them for the fact that we, as a matter of fact, are behind schedule. I don't think we are fatally behind schedule. I might mention a problem I share with Helen Scheirbeck, and that is that I had an appointment with the Veterans' Administration, but that has been apparently solved administratively.

With the creation of the alcoholism and drug abuse task force there was the necessity some staff work needed to be shared between those two task forces. It became obvious to both our task forces that to share a task force specialist was not workable for a number of reasons, not the least of which was that it just was absolutely impossible to get three members of our task force and three members of the other task force together. That was asking one person to be responsible for too many Indians, so to speak.

Also, there is some disagreement between the two task forces as to the responsibilities that the task force members might undertake.

My opinion is that that problem, which really never created a schism between the two task forces has been resolved, at least temporarily, satisfactorily by dividing the money in half for the two task forces. Our task force proposes that some of the stipend money for two of the members can go into make up backup salary.

The third component over the administrative difficulty we had shared with other task forces is to have the ability, within a short period of time, to find the right task force specialist. A person with background, who is Indian, who could reside in Washington at short notice, and who would be willing to take a 1-year appointment.

A second constraint that had been voiced to us was that it was not possible for us to call on the executive or judicial branches of Government for support. This eliminated a lot of bright Indian people in the health field who are working for the Indian Health Service. That constraint is no longer in effect and we can draw from a considerable pool. As a matter of fact, we are going to meet with Dr. Johnson in an hour, which, I think, will get us back on the track.

Chairman ABOUREZK. Do you mean someone on the health service task force?

Dr. RHOADES. It would be clear he would be working for us.

Chairman ABOUREZK. That objection is gone. You are entitled to do that, if you can talk Everett Johnson out of somebody who can act for that year's time?

Dr. RHOADES. He basically has pledged this already.

Chairman ABOUREZK. Then you can free up half of that money to go over to alcoholism. They no longer have to divide that specialist's salary.

Dr. RHOADES. You are getting a little ahead of us. We have not had a discussion with them since we learned we could dip into this pool. I understood they were able, also, to get some support which would provide them with a task force specialist. I believe we will both be able to get a task force specialist. We can both work together.

Chairman ABOUREZK. The work you have done will expedite their work.

Dr. RHOADES. I was going to arise to address that question earlier while Mr. Moore had the floor. But we have already worked closely with the alcoholism group and obviously the overlap with our group is that this is such a big area we, perhaps, can bring a perspective that they cannot.

It appears there is some research data to suggest that they might be wrong with ephynal dehydrogenation. This may differ in Indians. The problem of the physical complications of alcoholism, for instance, cirhossis of the liver, in my opinion, at the present time does appear to be different for Indians and non-Indians. At the Oklahoma hospital it is not unusual to have cirhossis under 30. I believe nature is trying to tell us

something, perhaps, about the key differences which if we understood would put us in a position to be very helpful not only to these Indians but to everybody.

I believe we can devote ourselves to the question of alcohol and at the same time strengthen the rest of the task force, and we have had discussions along this line with them. I believe we will be able to work well with them.

I don't want to belabor the point of the scope of the work and the plan of operation, but our problems with that had to do with, I think, not a clear understanding of what the Commission and the staff wanted us to include in certain topics within the scope of work.

For example, there is an introduction, a statement of the problem, and there were a couple of topics in the scope of work, like a sort of restatement of the problem. We didn't know quite how to deal with that.

I believe that conversations between ourselves and staff will clarify that.

Otherwise, we don't have any real problem about using that framework. It seems to me to be a perfectly satisfactory approach to a problem. it seemed as if the plan of operation was somewhat redundant to us as to the scope of work. We thought, maybe, they had been too close to the Senate or House or something, and needed to double the amount of papers they sent. I don't know.

Our research activities at the present time are built around—if you could turn to the last page of your progress report, this has to do with our scope of work, also.

I might just make one comment about each of those. Obviously, the problems are so great that one has to divide them up into some sort of categories or else one can't attack the problems at all.

There needs to be some minor statement and examination of the Indian groups in the United States. That there is some evidence that the utilization of the Indian Health Service by some of the tribes in Montana is considerably different than the utilization of health services by the Indians in the Northeast or Southwest.

I think nature is telling us that we have to find ways of devising something that will be helpful.

We have the problem of generalizations about Indians, and the problem of getting lost within the 200-or-however-many tribes there are.

Item No. 2, we propose a summary of health data of American Indians. I think we understand that the Commission does not want us to investigate cancer and heart disease and aspects of problems like that. But there are certain areas, some of which I have alluded to, in which the actual disease situation of Indian communities is such that it does, I believe, result to oversimplify the Federal-Indian relationship; that the diseases that occur in communities, by and large, is a reflection of how they live.

So we need to make some investigation of these kinds of health data. This will be related to one of our recommendations; that is, the Indian Health Service be given a research mandate which we would hope would be legislated, which they do not have.

I would add parenthetically, it is recognized among doctor-health care where research is taking place, in spite of all of the adverse research about drugs, et cetera, the fact is that the collaboration between the Indian Commission and Metabolic Diseases—NIH, insofar as the problem of gallbladder disease in Indians, which everybody recog-

nizes separates them from the rest of the population, has led to the discovery of a potential way to dissolve gallstones with medication. That is a very clearcut, very helpful bit of medical information that will be helpful to everybody that came from looking at the Indian populations.

The Federal responsibility I have already alluded to and we will anticipate the bulk of that work will be done by the appropriate task force that will make data available to them concerning health.

The Indian Health Service represents an analog to the Bureau of Indian Affairs. We are somewhat disappointed that the bill setting up the Commission did not make a management survey of the Indian Health Service just like it did for the Bureau of Indian Affairs. We hope to do an independent management survey of Indian Health Service somewhat like that called for by the Bureau of Indian Affairs.

Health care delivery needs to be studied also because tribes are in a very early stage of getting into health care delivery. We would anticipate in the work including service units, as advisory boards, the National Indian Health Boards, all of that a component of intertribal organizations.

We have two concepts of what we would like to pursue which we feel is unique. One is, if you attempt to compare Indian health care in this country, traditionally it has been compared to an ideal of what health care ought to be. This is apparent to me—there is extraordinary similarity in the rest of the world where there are indigent or antecedent groups, and they have a relationship with that society which in ways is analogous to Indians, which I think would be very valuable.

For example, New Zealand has a very fine health care system. The Maori have a relationship with the New Zealand Government permitting them to have this employment. They take advantage of subsidies as everybody else does. New Zealand is very conscious of the culture and mores and has a special department devoted to that.

Canadian Indians and South American Indians represent a different interface.

Laplanders, in Scandinavia and Finland, represent again, we believe, natural experimental models that if we understood would give at least some insight into the relations of Indians in the Federal Government here.

So we propose to have the task force spending 3 months on each one of these sites over the next several months collecting data from New Zealand to Scandinavia.

Chairman ABOUREZK. Have you checked with Ernie on money?

Dr. RHOADES. The other component in arriving at recommendations which we have proposed is that we believe, having worked in Indian health matters for a long period of time, that we already know what a number of the problems are. We are simply seeking support of the data. We know what the problems are—keeping good people in.

We propose we will collect a body of data, assimilate this, and we would propose to convene a seminar—I used that term for lack of a better term. It will be relatively close, limited in money, it will convene at some inaccessible place without telephone, and it will be made up of people throughout the Indian and non-Indian world. People who have a great inventive capacity. We believe that by this kind of brainstorming, if you will, that perhaps entirely new prospects may be brought to bear upon future Indian health care problems.

There is no question that our priority at the moment is to get task force specialists to carry out our work. We are already involved in selecting the hard biomedical data which reflect certain differences. We have already identified sources relating to the impact of national health insurance on American Indians, and the time that will be spent during the next 2 months will be building up these different organizations that I have outlined to you.

You can assimilate that and decide what should be the next step.

Chairman ABOUREZK. Do you feel the body of this report would be recommendations to the Commission with respect to the type of legislation which might improve or correct the condition which pretty much——

Dr. RHOADES. Yes; we say the Federal Government right now should have a law with respect to certain types of medical care.

There are people working out there who will say there is not much fundamental basis for providing health care, so, why provide it? We are dealing with that. We will certainly make recommendations regarding the actual filtering down of programs to the individual Indian.

Chairman ABOUREZK. That would include how they are utilized by various Indian entities in various parts of the country.

Dr. RHOADES. Yes.

Commissioner WHITECROW. I assume you are familiar with many of the individual problems that are prevalent throughout the area, for instance, the failure to deliver services to Indians from one particular service unit who may be in another area of service unit responsibility and by traveling cross country, crisscrossing the area, become ill en route, stopping at a new service unit and having those services denied, I certainly hope you look into that.

In addition, I would like to comment here that I brought this particular aspect or problem to Dr. Rhoade's attention last evening with regard to having a task force specialist detailed to him. It is my position—we were informed we could get top notch Federal employees detailed to the Commission—I think, perhaps, this is an opportune time to point out the fact that there were one or two Federal employees, particularly one of whom has had to resign the Commission because of a conflict between two agencies not understanding the possibility of being detailed to our staff.

I would like to ask Ernie if he would check into this very carefully. It is my understanding that we have two task force staffers who had to take a considerable cut in pay and one of them had to resign completely from his former position. If we are allowed to accept detailed employees we should do what we can to allow this provision.

Mr. COX. We have the authority under our authorization to accept detailed services with or without reimbursement. What we need to do is get the OK of the legislative head after submitting the name of the person we want.

Chairman ABOUREZK. As I understand it, if we are able to do this with Dr. Rhoades and his task force, why would it not be possible with the Indian education task force?

Mr. COX. I suspect, if things had been worked differently, a different attorney would be detailed. I think it would probably be within the administrative discretion.

Commissioner WHITECROW. Could we not request that person by name?

Mr. KICKINGBIRD. It would be up to the agency as to whether they are detailed. Let me emphasize this applies only to staff work. We are talking about the staff of the task forces or staff working with the task forces or staff working with the Commission.

For instance, we could not have a person—it is specifically prohibited by law, an employee of the Federal Government serving as an Indian Commissioner. A similar provision works for the task force members due to the fact that it is an appointive position appointed by the Members of the Congress. There is a specific statute prohibition that limits pay from two sources. That, in some instances, created a problem with some of the things we had in mind.

In other words, it is only the task force specialists, perhaps, or other people, and not the members themselves who would be detailed.

Commissioner WHITECROW. That does not limit us as far as staff and other detailed specialists?

Mr. KICKINGBIRD. No problem about staff.

Commissioner BRUCE. I have one quick question of Dr. Rhoades. I know you have only 10 minutes to get to see Dr. Johnson. If you can get him to agree to work with us and serve as a task force specialist and then let him detail his people to help, that would be a great thing. Can you do that? Good luck to you.

Commissioner DEER. I was very pleased to hear your definition of health. I think too often we are concerned with the problems of the organ system, as you phrased it.

My question relates to this area of mental health. We hear all these statistics. I would hope your task force would do some analyses and integration regarding the mental health problems and programs available to our people

Dr. RHOADES. I did not know whether to go into that a great deal or not, but just as we proposed looking at separate Indian groups, there are also categories of disease that have to be looked at. For example, the thing killing off our people so much greater than the rest of the population are accidents which are preventable.

The field of mental health is a tough nut to crack, but it certainly bears upon all we have said of the relationship of an individual in his community with the rest of the world.

Chairman ABOUREZK. Thank you very much.

Commissioner BORBRIDGE. Recognizing, Dr. Rhoades, that one of the members of the task force which you chair very capably, has traveled quite a way: I would be curious about whether or not Ms. Lillie McGarvey would like to add anything, since she is here now?

Ms. MCGARVEY. Dr. Rhoades and I had quite a meeting this morning, and he has spoken for me, too.

Chairman ABOUREZK. We want to thank both of you for your appearance here today.

Dr. RHOADES. Let me say two additional things.

We would anticipate there are certain special projects that could be very easily done with a little bit of outside dollars, also. We propose also that the funding of a seminar might better be done by foundation-type money. I am very happy at the decision that the Commission made in relation to Task Force No. 2. We obviously would submit that through the staff.

The other point I would like to make is that we do not propose to have a series of hearings particularly. We are more fortunate than some of the others in that there has been an enormous amount of biomedical

data around the country in doctoral theses and some of the hearings in which you participated, Senator Abourezk, and scientifically I am somewhat skeptical of questionnaires which really represent, in my opinion, one of the most difficult techniques to arriving at the truth, at least from a validity standpoint. A questionnaire has to be divised and validated and tested to see that it will really measure something that is not an artifact. So the bulk of our research will be literature review and site visits looking for specific information that we will dig out.

Chairman ABOUREZK. I want to reemphasize to you again that what the Commission wants is a set of—with adequate background, of course—a set of legislative recommendations for the improvement of Indian health and for the establishment of a policy that would go toward the improvement of Indian health.

Thank you very much.

Mr. STEVENS. The next task force is Task Force No. 3, Federal administration and structure of Indian affairs, Rudy Ryser, Mel Tonasket, and Ray Goetting.

Mr. TONASKET. First of all, it is my pleasure to be here this afternoon. I would like to thank the Commissioners for having all of the task force members, at least those that can possibly get here, to have the opportunity to give you in person these reports.

Our task force report is going to be very short, and to the point, and leave it more open for questions, if you have any.

You all know Mr. Goetting on my right. As any good leader soon learns, he learned to delegate jobs out. So we are going to delegate our task force specialist, Rudy Ryser, to give the report. He is on my left.

Mr. RYSER. Mr. Chairman, I will read what you probably have in front of you already.

In addition to the briefing sessions held in Denver, Colo., and Chicago, Ill., members of Task Force No. 3 have conducted three planning meetings.

On July 24 and 25, task force members met to discuss selection of a task force specialist. Their selection was made and forwarded to the Commission director. Task force members further discussed and agreed upon specific task responsibilities for each member and the range of task force concerns. The result of that discussion specified four broad areas, that is, Federal-Indian resource protection, BIA management and Federal agency review, Federal agency service delivery systems and alternative consultation methods with Indian tribes. Assignments were made by the task force to Mel Tonasket, Ray Goetting, and Sam Deloria, respectively. The final area of concern, it was decided, would be assigned to all three members.

The intent of the task force is to conduct systematic and thorough inquiries into each of the general areas mentioned. Resource protection inquiries will be aimed at policy evolution, case examples, tests of conflicting interests, examples of solicitor opinions; and inquiries into judicial and congressional handling of Indian resource questions.

BIA and Federal agency inquiries will be aimed at documenting Federal administration of Indian policy—statutes, legal opinions, and historical interpretations—as well as systematically analyzing present administrative and budgetary processes.

Federal agency service delivery inquiries will be aimed at describing those systems with the aid and assistance of the American Indian Law Center—University of New Mexico—FIDAP. Followup study—Federal-Indian domestic assistance program—which is documenting and ana-

lyzing statutory authorities of a broad range of domestic assistance programs.

At the special urging of Mr. Deloria, additional assistance to the task force relative to service delivery will be provided by the law center in the form of a developing service delivery systems model which will assist in evaluating system performance.

Alternate consultation methods inquiries will have a two-fold focus, for example, what alternative methods should or can be implemented to insure consistent and complete sharing of information between Federal agencies and Indians? Or what alternative structure could or should be implemented which would incorporate elected Indian representatives who play a role in Federal-Indian policy formulation.

Finally, Task Force No. 3 authorized a request to gain periodic assistance from Sid Freeman, Office of Management and Budget, and Bob Livingston, Department of the Interior, as the task force proceeds on its present course.

In a second task force planning meeting in early August, members met with Task Force No. 2, tribal government, to define areas of overlap and shared responsibility. The conclusion of this meeting was that both task forces must work closely together to insure tribal influence over Task Force No. 3 deliberations and to insure relay of Federal agency information to Task Force No. 2.

At the end of August task force members met to discuss final details that would be included in the scope of work and the plan of operation. The nature and scope of a BIA management study was discussed with preliminary conclusions being achieved. The result of this discussion is a planning document prepared by Ray Goetting.

That, incidentally, Mr. Chairman, will be discussed in another part of the agenda today, as I understand it.

Process has begun on four task force concept papers which will describe, with as much detail as possible, the present state of knowledge and a host of subissues concerning each of the task force's primary topical concerns. Completion of these papers is anticipated by November. These papers will evolve through the life of the task force into a final report with conclusions and recommendations to the Commission.

Chairman ABOUREZK. I have just one or two questions.

Your study of the Federal agency structure, will it bring back to us recommendations on whether or not the method of delivery of money to Federal-Indian tribes will be changed? Will that be included?

Mr. TONASKET. It would be our recommendation if it is necessary, and hopefully in specifics on how it should be changed.

Chairman ABOUREZK. Will you study and bring back recommendations as to whether or not, for example, the Bureau of Indian Affairs should remain within the Interior Department or come out as a separate agency by itself?

Mr. TONASKET. Yes; that has been one of the major topics within our task force.

Chairman ABOUREZK. Do you intend to study whether or not the existing structure of the Bureau of Indian Affairs ought to remain the same, or perhaps change? Will that be part of your study and recommendations?

Mr. TONASKET. Yes.

Chairman ABOUREZK. Does anyone else have any questions? Are there any comments? If not, I want to thank you all very much for your report.

Mr. STEVENS. Mr. Chairman, the next task force is Federal, State, and tribal jurisdiction.

Sherwin Broadhead said he does not have much, because not much has been happening so far.

Mr. BROADHEAD. It is not a very controversial subject.

Judge William Rhodes and Mathew Calac decided they would not come because we have, I think, a problem of travel money in our budget. We don't want to use it where it is not absolutely necessary. Hopefully they can come at a later time and I can stay home.

Chairman ABOUREZK. You may need the money to get out of the country, so hang on to it.

Mr. BROADHEAD. We had our meeting at the time of the briefing in mid-July in Denver—saved money again—got together and laid out where we thought we had to go. Our immediate efforts would be a series of three hearings in the areas where the conflicts are the most obvious.

We decided that we had to have some immediate field hearings. The reasons were the area of jurisdiction is so broad and virtually deals with every facet of every other task force in terms of the jurisdictional aspects that we could spend all of our time and not really get anywhere.

We have to emphasize, we believe, those areas where it is most crucial to deal in the most depth. So we want to establish our particular priorities or emphasis. Not that we are not going to deal with those other things, we are, but we have to emphasize some aspects of the whole jurisdictional problem.

We wanted people in the field to know that our task force existed because, in the field, there is a lot of the kind of information that we have to have to provide a basis for our recommendations in the future. How are people living with the kinds of jurisdictions they have? What kinds of changes need to be made?

Probably, just as important, the three of us as individuals have had certain kinds of experiences, but we have not had the broad experience of the other areas. We felt that these initial hearings would get us all looking on a broader perspective rather than looking at maybe our narrower perspective that we had from past experience.

We had that hearing and here is a transcript of it.

We felt that in terms of our objectives the hearings we had in South Dakota were well served.

In the transcript, of which the Commission has copies, there is a basis of a number of areas of conflict and points on either side. I think it has broadened our scope in terms of our individual needs. I think it has shown us where some of the emphasis has to be.

We plan two more such hearings as soon as we can get them organized: One in the Northwest, and one in California.

I think we have a little more notice. I don't think, and I have communicated this to the Standing Rock Sioux Tribe, that I think they had a misunderstanding of what we were trying to do and I very much respect what they are trying to do. They are putting their jurisdiction package together with their recommendations. They are doing some of our work for us and I appreciate that. We were not sure all tribes would sit down and do that. I would urge them, if they feel inclined to do so, to do just that.

What we were looking for was problem identification in this initial aspect. Then we will emphasize that in terms of our historical analysis. We are looking to that for a great portion of our report.

I think we have to find out what the law is before we can discuss what it should be intelligently.

I think there was some misunderstanding of what we were about. As a result of this, the president of the National Congress of American Indians asked us to meet with a commission that they have formed particularly for the purpose of pushing jurisdiction legislation. I think it gets into the same kind of things discussed here this morning as to what our function is and what the function of Congress is, and what the Commission's function is.

If you look at the hearing, we had to very carefully announce that and reannounce it and keep saying that we did not propose to deal immediately with any of those problems. It would be presumptuous of us if we did. We told them we did not want to, necessarily, whether S. 3552 or S. 1328 or whatever, were the proper bills. That was not our business. That was the business of the Congress. Our business is to look at perhaps the principles involved in those bills and get an idea of what kind of views people had toward the kind of jurisdiction they were living under. That we were conducting a study, and that we were not a lobby group for any one bill as such.

I think they understood that, but they had some reluctance because there have been Congressmen and Senators who have said the Commission is going to solve this and that problem, and this is a dilemma with which we all live.

I can tell you from our standpoint we cannot deal with it as a legislative committee or as legislation. We dealt with it on an issue basis and on a study basis and that we intend to continue to do.

Chairman ABOUREZK. When you were in South Dakota you heard some from non-Indian ranchers and people who live on and near the Indian reservations: Did you not?

Mr. BROADHEAD. Yes; we did.

Chairman ABOUREZK. I think that is absolutely essential if both political and economic sectors are to understand the facts of life. We are all in politics and politicians will have to be relied upon to pass whatever recommendations you come back with. Obviously, you are not going to hear the same type of testimony from those people up in the Northwest and in California because that may well form the political opposition to whatever the Indian tribes might want by way of jurisdiction.

Mr. BROADHEAD. I think by the very naure of what we are talking about, we will have to let everyone say what they want to say.

We had some point of view expressed that tribal governments were corrupt and, because of that corruption, certain people could not speak who wanted to speak. I do not think that is true too much. However, we were urged to go behind closed doors, but we are not going to do that. I don't think we have the power to do that. If we are going to hold a hearing, it is going to be a public hearing. Otherwise, people are going to talk to us as individuals and surely as a task force. But we are going to be fair to everyone. Everyone is going to have their say. Every issue is going to be dealt with.

There are issues here where accusations were made by non-Indians against specific tribes. In most instances, we were able to get back to

the people in those tribes and say: "This has been said. What do you say?"

These are current things—but they were current things 10 years ago—and if nothing is solved, they will be current issues 10 years from now. There will still be those kinds of accusations. I think we have to get them dealt with in this context.

So, people were given a chance to answer those, and I take it that it worked very satisfactorily except in a few cases where the people were not there. One example was: There were a lot of accusations made against the Flathead Tribe, but the Flathead Tribe did not come in. We did not anticipate there would be some coming clear across Montana and Wyoming to South Dakota to testify. They will be asked to come to our next meeting. In advance, they will be provided what was said in regard to the situation surrounding that. I think we have to look at that as a unit. We will do that.

We have had a problem that I did not anticipate. I had hoped that we would be able to find a task force specialist and get him on down the road. We thought we found one. In the hearing process we had someone come before us who was just the guy we were looking for. He was a young Indian attorney who was a judge and he gave jurisdiction a lot of thought and study. He wanted to think about it. He thought about it and decided he did not want to come to Washington.

We found another guy with a lot of experience. He did not want to come to Washington.

So we have delayed a little bit trying to get the persons we wanted.

We have a lead now on a number of persons. We are going to move quickly and get that person.

We have prepared a tentative scope of work, and Ernie has that. We don't want to commit ourselves to that much definiteness until we have a chance to meet and hopefully have our specialist with us. The specialist will be the person who is directing and doing the research that is so vital to our aspect of this task force.

Chairman ABOUREZK. Thank you.

Are there any questions or comments?

Commissioner DIAL. What was the total cost of the hearing in Dakota, about $4,000?

Mr. BROADHEAD. I don't know if that has been totally estimated. I know the transcript cost more than it should.

Commissioner DIAL. I am not saying that the cost was too great. I am just asking what is your total budget for hearings, and how are you going to get the money?

Mr. BROADHEAD. We think we have a way to deal with that. One of the great costs for hearings is the task force having to travel long distances. In that case we had to bring Judge Rhodes from Arizona, Matt Calac up from South Dakota, and me from the State of Washington. We will all live in an area once we all get these hearings under our belt and get a common understanding on where the task force is going. We think we can have a number of meetings and hearings in local communities and only one of us go to it so that we don't all have to group together to do that. We can gather the kind of information we are looking for an attitude and feel, what I think is so important to our task force, without terrific expenses.

Commissioner DIAL. I take the position $400,000 is really not adequate for a task force.

Mr. BROADHEAD. I must say it is not adequate for our task force. We already have some things that have been brought together in terms of research that will help us, but a subject like this takes a lot of hearings and meetings in communities. We hope to go back after we have made some tentative recommendations and go as long as we can, and try them out for size, and see what people think of them, and hear other comments. I am not sure we will be able to do that to the extent I would like to. So I agree with you.

Chairman ABOUREZK. That point was brought up earlier today on other task forces. I wonder if it might not be a good idea—and I would like to ask the Commission's view on this—if we would ask Ernie Stevens, as these task force people meet with him today, to gather from the task forces additional budgets? I don't know that we can get the money from the Appropriations Committee, but I think it is important, today, to determine how much more they might need in order to fulfill the job that has been given to them.

Do you all agree with that? Once we get the figures, maybe we can discuss going on to the Appropriations Committee.

Sid Yates expressed that concern two or three times today, and the message is getting across to me as well. I guess there is pretty general consensus here today.

Ernie, would you do that today?

Mr. STEVENS. Mr. Chairman, I would like to make a comment on that.

If the task forces decided to do a hearing, they make a couple of decisions that will affect the overall Commission budget. In other words, we have to provide a recorder, we have to provide the costs for the transcript, and that will make a difference, so that is an increased cost item. We did not fully anticipate this.

When we put the budget together we tried to see it as best we could. After it begins to develop, then you get into the real world. Even on the basis of our present expenditures, we ran $90,000 over the $2,500,000, and what we were forced to do was to cut back in a number of items for the Commission itself.

Kirke and I had mixed feelings because we cut 3 months off our salary so we could leave a little earlier and leave Max by himself. We found ways to make that up. We stole some from Ray. These are task forces that already brought this up and there are others, also. We can do that rather readily.

Mr. BROADHEAD. The people who went to the hearing in South Dakota were part of the staff. Max Richtman went and Kirke Kickingbird. They are not out of the task force budget, so the total amount of money is not as big a charge against the task force as that figure he represented.

There are things in the budget Ernie just mentioned that are add-ons, that are not financed out of the task force budget. Until we really get experience of their costs, by task force, that $400,000 has not been tested as to whether it is adequate or not.

In your budget packet you have a budget itemization to show how we are classifying it now for the 3 years involved in the budget. There is fiscal 1975, 1976, and 1977. It spans 3 fiscal years.

Commissioner BRUCE. Sherwin, I notice in here that you mentioned a hearing in the Northwest?

Mr. BROADHEAD. Yes.

Commissioner BRUCE. Are you scheduling that at the same time as the NCI meeting?

Mr. BROADHEAD. It is possible to do that. I talked with the Northwest Affiliated Tribes about that. They are going to meet rather soon and they are going to make some recommendations to us on that.

Commissioner BRUCE. There would be a good place to bring a lot of people to a hearing for the people going to the NCI convention.

Chairman ABOUREZK. That is right. Some of the Commission members might want to sit in on the hearings at the time. In fact, I would like to do that if I am there.

Mr. BROADHEAD. I can see no reason at this point why that can't be done.

Chairman ABOUREZK. You might talk to the tribes about that.

Commissioner DEER. I realize this was your first meeting as a task force out in the Dakotas. When I first became aware of this I felt there was not sufficient notice, that there would be misunderstandings, and this is what happened.

Again, I would like to emphasize that adequate notice be given. I know we have all of these but I think it is essential that we, as Commission members and also as task force people, take every precaution to notice people and to involve the tribal chairmen and inform the tribal chairmen and others, so that we can come up with the type of information that we need especially in this area of jurisdiction. It is very controversial in all of these areas. It relates to Public Law 83-280 and so on. I feel we have to handle this with a great deal of sensitivity.

Mr. BROADHEAD. We certainly intend to. We did have people who said both ways. They were very glad we came, they wanted us there immediately. I think the only official complaint we got, or got directly, and maybe others have said things, was from Standing Rock.

Chairman ABOUREZK. There is always the other side of it, if they don't get notice, it does not cost much to print up a transcript. You always have to be optimistic about it, I guess.

If there are no further questions or comments, I would like to thank you very much for your presentation, Sherwin.

Mr. STEVENS. Helen Scheirbeck, Education Task Force No. 5.

Chairman ABOUREZK. I would like to welcome you to the meeting.

Ms. SCHEIRBECK. You are provided only one page and one sentence from the Education Task Force. For educators that is extremely limiting. I would like to just talk from notes rather than from the paper, if I might.

We will be following the authorization of our law and examining all of section 2 as it relates to Indian education. We will be looking at the Federal legal and historical activities and we would like to add a dimension to that and look at some of the State activities and State laws as they relate to Indian education.

We have had, as a task force, an orientation which was very limiting because our one task force member had an airplane strike so he could only be with us for several hours. We had a second session in which we discussed the third week in August general concepts so we have met the deadlines of the Commission staff and we have filed our plan of operation and our scope of work, but I consider those tentative because they have really been talked through with our task force members by telephone.

One of our members is a school superintendent. It was difficult for him to give intensive work until the third week in September. So

beginning the week of the 22d we would like to have an opportunity to really finalize all of the things we have put into meeting Commission deadlines. I am not sure they will be changed much, but I do feel all the task force members need to comment on those things.

We have had no difficulty with the scope of work and the plan of operations. We have suggested we add several things.

We felt if we looked at the letter of the law and primarily analyzed past studies, I have been involved in doing a lot of that in the last year-and-a-half and I found it very difficult to see Indian input in the past studies, even those in the Meriam report.

Chairman ABOUREZK. Was the Meriam report conducted by Indians or non-Indians?

Ms. SCHEIRBECK. There was a consultant and interpreter and that is all. That is how he was described in the Meriam papers. We want to make sure we add the Indian viewpoint about education. We have struggled to find a legitimate way to do that and to help get Indian people help to set a definition of Indian education which we could then bring back to the Congress and get the Federal agencies to take this definition and use it in a mission statement for Federal agencies, so to speak.

Chairman ABOUREZK. Helen, one more interruption. You may have already thought of doing this. Have you thought of including not only Indian education but also non-Indian education so far as curriculum is concerned? As far as acquainting non-Indians, especially in an area such as South Dakota, with Indian culture so that they can better understand who their neighbors are and who the Indian people that they have to deal with are, so that you can eventually move away from this concept of Indian culture and religion itself being somewhat inferior. So that they understand, even though it is different, that it may not be inferior to white culture and so on.

Ms. SCHEIRBECK. I would have to have to say as a task force we have not dealt with this issue. We will talk it out. It is extremely important. We have been thinking more about how to get Indian opinions articulated, but the non-Indian attitudes and opinion is just as important.

Chairman ABOUREZK. It is important to educate non-Indians as to what Indians are all about.

Ms. SCHEIRBECK. We will make sure we do that.

Chairman ABOUREZK. Does the Commission see any different view on that?

Ms. SCHEIRBECK. One of the things we would like to utilize is the case study approach. We feel there have been numerous reports in the 1960's that we can utilize. We don't necessarily feel we have to have hearings. We would like to utilize the national Indian organizations, the regional organizations for information also on the subject of Indian education. Here would be a good place to add the dimension over the non-Indian viewpoints and understanding about Indian education. We are thinking we would utilize, in the months of November and December, our national Indian education organizations for forums as backup to the task force. We would also like to use the case study approach because we feel this can take education out of the abstract and help us document many things. For example, a case study on community control. There we would actually go into a community control. There we would actually go into a community and be able to document the

administrative problems, the financing problems, and the attitude problems right along the line.

In addition, we would like to take advantage of the work of the other task forces and add a section on surveys on Indian education. We do not see doing our own opinion survey, but utilizing other survey task force reports to do this.

We would like to have a special effort at getting some insight from Indian students. It seems to us, in the past, all the studies have heard from officials, from parents and people actively working in education as teachers. We have not heard a great deal from students. We don't have a clear definition of how we are going to do this yet, but it is something we want to do and we would appreciate guidance from the Commission on this point.

Let me say we are about 2 weeks off schedule. I apologize to the Commission for that, but we have had some difficulty getting clarification of the chairwoman's status. As of next week I should be able to devote full time to the effort. We have had scheduling problems with our other members because schools opened the end of August and they have been busy running school systems. They will be coming in the week after next for an intensive week of work and I would anticipate they would catch up then.

We will be bringing back to the Commission administrative program financing and legislative policy recommendations. I guess the only thing I would like to state and see if there is a problem with before the Commission is some of the work I have been doing in the past year-and-a-half. I have been involved in analyzing the policy and financing of Indian education since the beginning. That work will be completed very shortly and I would like to make that information available to the education task force and eventually to the members. It has been under the auspices of a foundation. I do think it is objective work and I do think it will help our task force get on schedule, or a little bit ahead of schedule.

Thank you very much.

Chairman ABOUREZK. Thank you very much. Are there any comments or questions by Commission members?

Commissioner BRUCE. Do you have a task force specialist?

Ms. SCHEIRBECK. Yes; I indicated in my report she will be on board September 23. She is Kathleen McKay. She is Missouri Cherokee and she has an excellent background.

Commissioner WHITECROW. I have a question I would like to ask Helen and perhaps point this out to everyone of our task forces and ask them if they would like to look into the one-quarter requirement insofar as delivery of services and, of course, with the Bureau of Indian Affairs the one-quarter blood requirement is a defining factor on whether or not some of our tribal people are provided educational opportunities. Not only is this one-quarter blood requirement a limiting factor in the Bureau, but it is also a limiting factor in other areas of Indian involvement. I should hope that after we finish this complete study that sometime during this coming year we can perhaps determine who or what established this one-quarter blood requirement which in my personal opinion divides families. I have seen families actually hindered whereby half-brothers and half-sisters within a family are actually denied services as a result of not being able to fulfill that one-quarter blood requirement. I have a personal attitude as far as you are concerned, but I feel a tribe has the responsibility of naming who their

members are. If they have this authority, they should have that responsibility. Insofar as the treaty obligations are concerned, the Federal Government has signed these treaties and effected these treaties with that tribe, not with an individual Indian. Insofar as this is concerned, I think the tribe then should work toward providing the necessary services insofar as encouraging the Federal Government to meet those treaty responsibilities. What I am saying here is: I think if an Indian wants to be an Indian, he should be allowed to be an Indian.

Ms. SCHEIRBECK. We will be happy to do that as it relates legally and administratively to education.

Commissioner WHITECROW. I would like to know just what did establish that one-quarter blood requirement.

Thank you.

Chairman ABOUREZK. Ada.

Commissioner DEER. I know this may be somewhat premature since your members have not gotten together, but we hear a great deal about community control of schools by Indians. I was interested to hear you were going to use the case study. Can you discuss analyzing the different types of systems: Community control, the parochial schools, and so on? I think that in this whole era of Indian self-determination we are going to face some very tough questions. I would like to have some hard data and information available on this.

Ms. SCHEIRBECK. We had planned to look at varying types of control under public school systems. We feel there should be some case studies on that and certainly parochial schools. We have not really come to grips with how to handle the school board issue as a task force. If you have thoughts on that, we would appreciate it. It seems there has been an awful lot of work done on that question, but we could certainly add four or five categories.

Chairman ABOUREZK. If there are no further questions, I would like to thank you very much, Helen.

Before you bring up the next witness I want to announce the arrival of the errant Hank Adams. Hank has another issue to bring up, We will do the task reports first and ask you to make your presentation after that.

Mr. STEVENS. Next is No. 7 and I believe Phillip Martin is here to represent them.

Chairman ABOUREZK. Phillip, welcome to the Commission.

Mr. MARTIN. As you all know, Mr. Peter MacDonald is the chairman over this Task Force No. 7. Unfortunately, he could not be here because of some land problems he had to deal with back home. He wanted me to tell you this problem was created by Congress and the Hopi.

Chairman ABOUREZK. I thought we settled that last year.

Mr. MARTIN. I happened to be in town this week so they asked me to make the presentation. We have developed a brief statement on what we have been doing and what we propose to do.

I might also add that Mr. MacDonald is very much, as is the rest of us on the task force, interested and concerned for the reservation development, resource development type activity that we will be working with.

I think, in the short time that we have had, we attempted to come up with the scope and general statement and narrative and proposed kind of operations which were already submitted to the Director. He is

reviewing those now so I don't have that attached here except the brief statement of the scope is included on the back page.

I would like to answer any questions you people might have.

Chairman ABOUREZK. I have just one. I guess I wanted to ask you the standard question. Are you going to give us recommendations for elections toward establishing a policy toward reservation development?

Mr. MARTIN. Definitely. We understand the purpose of these task forces is to analyze the situation and come up with recommendations to the Commission. We are hoping that in turn you people are going to implement those recommendations.

Chairman ABOUREZK. We are going to try.

Mr. MARTIN. I hope time and effort put into these things will not be shelved or laid aside like it has been done in the past.

Chairman ABOUREZK. It is not my intention to shelve them nor the intention of Lloyd Meeds or the other congressional members. We have already put a lot of work and time in on this thing. I understand your concern. A lot of them have been shelved, but we have just invested a lot of everything into this effort and we wanted to try to make it work out.

I want to bring up one specific thing which you may have already decided to study, but every reservation has a different problem in how to develop its reservation and how to create jobs on that reservation. Their ideas, very few of them, have been implemented by the BIA.

One thing that has caused a great deal of problem on the Pine Ridge Reservation, for example, is the way that the land owned by Indian people is managed down there. Traditionally, as a result of the allotment system, no one Indian person owns more than 160 acres of land there. It is generally fit only for cattle grazing because it is not good farmland. That is the nature of that land down there. One hundred sixty acres, or a quarter-section is not enough to make a living for any one person because you can't run enough cattle on it. So the BIA has put together what they call land-range units, or whatever the title is, range management units that he will put together enough quarters of land to make a unit sufficient in size so that an operator can run a herd of cattle on that and make an adequate profit and so on.

Traditionally they have leased out those units to non-Indian ranchers although there are now a lot of Indian ranchers leasing the land, but the landowner himself has been overlooked. All he gets is his lease money. If he does not want to lease to the unit itself, if he does not want his land included I guess he can elect to get out of it. But generally he does not have enough money to build a fence around to prevent cattle from trespassing on his land so he gets paid a trespassing fee which is about the same as if he decided to lease it. So he does not have any chance. The BIA has never come up with an alternative plan. One such plan could be, for example, a cooperative effort on the part of all of the landowners themselves with BIA assistance plans to set up a cattle-feeding operation of some kind or any kind of operation that would provide a living for the people who own the land themselves.

Mr. MARTIN. I am pretty sure those things will be included. We will research every phase of economic development that we know anything about. I think the most important thing is the tribes themselves will have an opportunity to state those obstacles that they have in economic and resource development. I think that there are some definite obstacles that have to be dealt with.

Chairman ABOUREZK. Those are the only questions I have. Does anyone else have any comments or questions?

Commissioner BORBRIDGE. I seem to recollect that Indian housing, which was proposed at one time to be considered as a separate task force, is included in this task force: Is that correct?

Chairman ABOUREZK. We raised that question, too, and I was not aware that it came under this task force. We will talk about whatever they want to talk about.

Commissioner BORBRIDGE. I raise this because I think it is already clear that housing is of particular concern. To the extent that it has been brought to our attention as a possible separate task force since, if I recall correctly, it was put within the jurisdiction of this task force. I will assume, at least in the future, we will have some M.O. that you will be using so that we will have some idea of how you will be approaching this.

Chairman ABOUREZK. We will certainly look into it.

Commissioner BORBRIDGE. I might mention one other thing, too. One of the particular problems in the area of the country where I came from is associated with land ownership, the mixture of restricted and unrestricted deeds, with the consequence that areas and villages or sometimes village enclaves within an urban setting have been determined to be ineligible for BIA assistance thus falling between municipalities and BIA neither of which is willing to accept responsibility and thus assist. I mention this because you will no doubt be considering this during your fact gathering.

Commissioner WHITECROW. Phillip, I want to tell you from my own personal standpoint we appreciate your accepting this particular position. We are really looking forward to great things from this particular task force with you and Mr. Smith and Mr. MacDonald serving on this task force. Especially with the title of this particular task force—Indian Reservation and Resource Development and Protection Task Force. I would also like to ask you to look into tribal-owned land. In Oklahoma we do have a tremendous problem with this and we are constantly in conflict with State legislators in trying to bring about one particular change. It seems as though everybody tries to be a do-gooder without actually seeking input from the Indians to determine what the problems are. Of course, we do have tremendous mineral interests. I certainly hope that through this study your task force will be able to do thorough and complete research on utilization of both tribal and individual-owned trust lands, making recommendations for some sort of a fulfillment of this undivided interest, a solution perhaps to the long-term undivided interest in individually owned lands.

Mr. MARTIN. We are planning to talk with people who own privately owned property as well as State tribal groups that have resources which they can develop.

Commissioner WHITECROW. I also understand, Phillip, this is not just a problem we have in Oklahoma but all other off-reservation areas such as California. They also have the problem.

Mr. MARTIN. One thing that concerns the task force is, in developing our approach or plan, it would be helpful if the Commission would have a printed schedule of the time and places of their hearings so that we could make plans around these particular set dates that the Commission would be having hearings, thereby avoiding conflicts. I think some of the more related task forces ought to be getting together and planning out how maybe they should have joint hearings rather than indi-

vidual task force hearings that I think everybody is planning on having. If we could have some definite information from you people, then we can start developing a definite schedule for ourselves because the time frame here is very short to collect information and we want to complete our data collection by January 15.

Commissioner WHITECROW. I think we on the Commission have been waiting for task forces to establish their schedules. Maybe we are sitting on our hands waiting for someone to do so.

Mr. GOETTING. As soon as we get the plan of operation with the plan for all task forces, then a plan of an overall manner can be presented to everybody so the coordination can be done. That is the purpose of it.

Mr. MARTIN. From my view, the impact of the American Indian Policy Review Commission—not very much impact has been made at the grassroots level. I think that when we do come up with some definite plans and ideas and how they are going to get involved, that is when they are going to start thinking about their role in this whole thing. At this point I would think there is not much factual information going out about these particular hearings that will be held.

Incidentally, I wrote Senator Abourezk about inviting the Commission to have hearings at Philadelphia, Miss. I hope you will look on us favorably for that. I think this would be an ideal place for a showing of what tribal government can do with proper financial and congressional support. One would have to know the history of the Choctaws and one would have to know how they were living as recent as 15 years ago when my people were considered not very much, downtrodden, but today with our own determination to do something about our situation through our organizational structures, today we can be considered a model where other tribes could also learn from what we have done in a very short time. A Choctaw reservation now has modern facilities, new schools, new homes. It is looking up from what it was 15 years ago and, as a result, it has a very good effect on the people. They are standing up straight and they can look you in the eye and say, I am glad to be a Choctaw."

Commissioner DEER. There is a great body of law having to do with Indian resources, land, water, et cetera. How does your task force intend to codify this or analyze it or list it?

Mr. MARTIN. At this point I don't have my technical people here to answer that, but I am sure we will be dealing in some form or manner with those mineral rights, land-resource-type rights. I can't answer you directly now.

Commissioner DEER. It would seem to me your task force would have the opportunity to pull this all together.

Mr. MARTIN. Yes; we will be pulling that all together but just how I don't know at this point.

Commissioner DEER. It is a great body of law and I think it would be a greater service for your task force to do this.

Mr. MARTIN. Just today we hired our task force specialist. We have had him serving as a consultant up to this time.

Chairman ABOUREZK. If there are no other questions, I would like to thank you very much, Phillip.

While Ray is bringing up the next task force I want to introduce Dr. Emery Johnson of the Indian Health Service, Director, and distinguished guest. Would you stand up please, Emery. [Applause.] Don't sit down yet. We want you to take a pledge.

Emery Johnson has been doing the Lord's work for a number of years. I want to personally express my thanks for all the good work he has done and the efforts he has made on behalf of the Indian people and of Indian health. I want you to know that Lillian McGarvey and Everett Rhoades have been in the backroom picking his pocket and they have walked away with half of his staff. That is why he is back there looking like he is suffering. I want to thank him very much and I am sure the Commission, on the behalf of the Indian people, does also.

Mr. STEVENS. The next task force is the urban-rural, and the chairman is Al Elgin. Al is a Pomo from California and he is currently, I believe, the director of the New York Indian Center.

Chairman ABOUREZK. That is in New York City?

Mr. ELGIN. Yes. As in the historic past, we have waited and waited and waited as urban Indians and still there seems to be no recognition in the Federal system of inclusion or the allocations for urban programs in a very demonstrative way that would make impact on the conditions of urban Indians today.

I think that our Task Force No. 10 would go along with us that terminated and nonfederally recognized people having to wait and wait and wait which brings us to the point, in fact, today that Task Force No. 8 is very much involved in the affairs of the Commission to the point that I think it is time we addressed the policies that lacked a definite inclusion of a very populated base that we have not been able to enumerate. Neither have we been able to document the facts that exist of the exclusions from or the needs thereof in the urban society.

In the past 10 years, we have been involved in urban Indian affairs and it is to this point that we have come to this Commission. In several years past, we have come to give hearings to bring testimony to tell the might of and to be included with and being told very gently and very pleasantly in many facets of Government that the law did not cover or include our particular society in which we live—the urban Indian community.

Several years ago, the Government saw to it that the transfer of Indian division to OEO or ONAP was a beginning point of saying we don't know how to really deal with urban Indians at this point. It is a division of the law and we are not clear where the law stands but we will include you as a token gesture.

It was my initial input into the Commission hearing that we attended in Chicago several weeks ago, to ask briefly, whether our testimony would have produced anything more than more testimony than we have given before. I was assured at that meeting in Chicago that this is a different ballgame. Once and for all now we are addressing Congress itself. The part of Government that can make decisions and enact laws to include this very neglected population. With those words, from Ernie and the rest of the staff, some of my fears were subsided for the time being. We said, yes we would put our best efforts forward to enact the very design and scope of work that we have been able to formulate in the past few weeks—of saying exactly what our portion of the Commission's report would be. So we have turned to it with that positive framework of mind. Again saying, perhaps this is the beginning point where urban Indians will be identifiable. Where problems and programs will be implemented to somehow create a base approach to make the urban Indian population coequal and have equitable services performed for them because of our input and involvement with the Commission.

Our work scope and our design is complementary to many of the other task force reports that you have heard today. We are in a very unique situation also because sometimes the kind of inclusions we would like to have with other Government programs or in the existing kind of operations that are addressed to our people living in the cities sometimes conflict with the very designs of either tribal government or other kinds of legislation. We are not involved in the Commission as such to bring any kind of more division or more misunderstanding or demand equality as far as dollars and cents is concerned. But I think our involvement with the Commission is to properly document the facts concerning the population bases that are within the cities. The kinds of treatments and the inaccuracies, the kind of unequal treatment that many people have been receiving are fair and equal kinds of treatments according to present law.

We firmly feel that there is an absence of regulations when it comes to the urban Indian. We would like to document that fact and to make recommendations accordingly so that this oversight can be rectified. We feel that there is a goodly number of American Indian people living in urban Indian communities that are neglected by their own tribal jurisdiction or their involvements with present kinds of allocations that might benefit them. As you have heard the health report today, they will be looking into some matters concerning Indian health. As you know when an Indian moves from the reservation to an urban society he loses a lot of his benefits, not because he is no longer an Indian but because the society into which he moves does not recognize his changeover status and there is no particular kind of guarantee in the present structure policy that guarantees him equitable treatment. We want to look into all facets of those things that concern urban Indians. We feel the vehicle created now by the Commission with the establishment of Task Force No. 8 can very viably look into some of these areas and make proper recommendations. That is our brief report today.

Chairman ABOUREZK. Thank you very much, Al.

Are there any questions or comments?

Commissioner BRUCE. Only to say it was a great report and since that is part of my responsibility I am looking forward to working with this task force.

As you know, when I was Commissioner, some of these men who sit on this Commission now used to ask me What are you doing for urban Indians and is it your responsibility?" You know what my answer had to be. So, what you are talking about and the area in which you are planning to study, I hope to stay with you and I am sure the other Commissioners all agree.

Chairman ABOUREZK. Thank you very much.

Mr. STEVENS. Task Force No. 9, Indian law revision, consolidation and codification. The chairman is Peter S. Taylor. Yvonne Knight and Browning Pipestem are not here. Karl Funke is the specialist.

Mr. TAYLOR. I would like to express my appreciation for being here. I notice that we are getting later in the afternoon and I will try to keep my remarks as brief as possible. We have prepared a progress report which is written and I believe has just been distributed. We have had our organizational meeting, and mapped out our scope of work. As we view our initial problem, that is the case of determining exactly what functions we can perform in the area of law reform, revision, and codification. It is a subject area that lacks a subject area. It is a review of the entire Federal law. Accordingly, we have made our first plan to

go through the United States Code, the statutes and CFR's, and break them down into subject components so that we can evaluate those portions of the law which are being dealt with by other task forces and evaluate our own capabilities to deal with the remaining areas and also to interrelate with those task forces as they come in with the recommendations.

In addition, we are preparing certain backup materials which we believe will be helpful to those task forces, various cross-reference tables between statutes and CFR's in order that task forces may make an evaluation of the manner in which the executive is carrying out statutes which have been enacted.

Essentially our scope of work takes us through the first quarter. We feel at the end of this initial project, we will then be in a position to more specifically define what we can do and how we go about doing it.

I do have another matter which I would like to bring to the Commission for consideration today. Karl and I have written a letter which we would like to distribute among you. Before joining the Policy Review Commission, I was an attorney in the Department of the Interior on the Indian Civil Rights Task Force. The function of that task force was the collection of a great body of legal material, including solicitor's opinions, as was directed by title 7 of the 1968 Civil Rights Act. The compilation efforts that we engaged in on this particular project was the collection of solicitor's opinions including opinions that were signed by assistant secretaries, solicitors, deputy solicitors, and associating solicitors and in a couple of minor instances some assistant commissioners. That is the order of command in the Department. After this information was collected and a table of statutes and references cited and construed in those opinions was compiled, the decision was made by the Solicitor to publish only opinions signed by the solicitor or deputy solicitor. The current trend of solicitors opinions in the Department of the Interior is away from having the solicitor sign each and every opinion coming out. Rather the great bulk are now signed by associate solicitors. If this decision that has been made is to hold, it means that in the future as Interior follows through on its statutory obligation to maintain these publications on a current basis, there will be very few opinions that actually get published and distributed to the public at large where they belong. It is a matter which I think the Commission should be concerned about. Both Karl and I have written our analysis of this down in this letter. What we would like you to do or what we wish you to do is discuss the situation among yourselves and see if you can come to some resolution on how the Commission might express its interest in this.

Chairman ABOUREZK. First of all, you are saying the opinions ought to be published and they are not.

Mr. TAYLOR. That is my opinion; yes.

Chairman ABOUREZK. Are you suggesting we find some way to require Interior to publish them?

Mr. TAYLOR. It is my opinion that under the 1968 Civil Rights Act, they are already obligated to publish them. This turns on the definition of the act itself.

Chairman ABOUREZK. I agree. The Commission does need to take it up. I think that can be a special piece of legislation we can immediately put through our respective committees in the House and Senate.

Congressman MEEDS. Mr. Chairman, I think maybe we ought to suggest to the Commission that this be done and then if it is not done, we can pass a law requiring it.

Mr. TAYLOR. I was going to suggest the possibility that the Commission could write a letter to Interior asking for an explanation of why this decision was made and what the basis for it is. It seems to me the Commission itself might gain some credibility if it took a hand in this.

The alternative, as you say, there are legislative processes available including oversight hearings. We simply wanted to bring this up while the entire Commission is here together so you can discuss this among yourselves.

Commissioner DIAL. I concur.

Chairman ABOUREZK. Shall we get a letter off as a Commission. Start it out that way, Ernie, and let us know what response you get and we will take it from there. Thank you very much.

Are there any other questions or comments?

Congressman MEEDS. Peter, have you outlined the scope of your jurisdiction as yet?

Mr. TAYLOR. Yes; we have.

Congressman MEEDS. You have presented that?

Mr. TAYLOR. Yes; we have.

Chairman ABOUREZK. Thank you very much for a good presentation.

Mr. STEVENS. The chairwoman of Task Force No. 10. No. 10 is terminated and nonfederally recognized tribes. The chairwoman is JoJo Hunt. JoJo is a Lumbee from North Carolina, a lawyer, and former worker for the Indian Subcommittee of the House.

Congressman MEEDS. I might add an altogether delightful, intelligent young lady.

Chairman ABOUREZK. I see why you and Lloyd got along so well.

Congressman MEEDS. It is because I am so big and she is so small.

Ms. HUNT. Mr. Chairman and other Commissioners, I welcome this opportunity to talk with you a little bit about the plans of the task force on terminated and nonfederally recognized tribes. Before I begin, I would like to introduce Mr. Bob Bojorcas who is a Klamath Indian from Oregon. He is one of the task force members. He is the cute one in the white shirt.

The other task force member, Mr. John Stevens, was here. He had to go home this morning because of the death of his sister-in-law. We have selected a task force specialist, Mr. George Tomer who is a Penobscot from Maine.

The task force met initially in Chicago for orientation. That was August 7, 1975. We took that opportunity to look a little bit into the scope of our inquiry to select a task force specialist because we thought we had a big job ahead of us and we needed to get started as soon as possible.

I might add that Bob and John selected the specialist.

We did not get underway officially until August 18. At that time George was aboard and we were ready to go. I had been working for about 2 weeks at that time since August 4. This gave me an opportunity to get situated in the office, to learn a little bit more about the procedures as well as come up with a draft scope of work for us to look at when we really got underway. We held a meeting here in Washington of the full task force on August 21 and 22. I might also add that Commissioner Dial joined us for that meeting. Commissioner Bruce was

there for a portion of the time. We feel it is essential to get early interaction with Commissioners as we proceed with our studies.

After our initial official meeting, I might say, George and I worked on a final draft of the scope of work incorporating the suggestions of the other task force members. We sent this out to them and they OK'd it. It was submitted on the Friday before September 1 to Ernie Stevens and a preliminary plan of operations was submitted on September 1. It was preliminary because we had talked about how we were going to try to carry out the functions of the task force at our August 21 and 22 meetings. We really had not developed a schedule of events, that sort of thing, with the consensus of the total group. I submitted the preliminary draft and on September 10 we met again and finalized it. That is being typed now and it is ready. It is in fairly final form.

I might add both the scope of work and plan of operations are left somewhat open because we realize we don't know all the answers, we don't know all the questions, and there will be other problem areas that we should look into.

Since you don't have the scope of work and plan of operations before you yet, I understand from Ernie that that will be submitted soon to you, I would like to give you a general idea of what we are going to do.

We looked at section 2, of Public Law 93-580 and pulled from that all of the subsections that we believe should be addressed by the task force. I believe there was six of the seven listed. I believe there are seven in the total section. We will look into these areas. We have planned some formal hearings in the beginning. The problem that we are running into is the lack of information about terminated and nonfederally recognized Indians, particularly the latter throughout the Federal Government and also in the private sector for that matter. It is going to take a great deal of research to complete our investigative study.

As far as historical and legal review is concerned, we realize we can't look at all the tribes and do an indepth historical and legal analysis. In the beginning we plan to look at all the tribes and then select representative groups which should include a large terminated tribes possibly, a couple of small ones, a couple of reservations, nonfederally recognized people—possibly California Indians, New York Indians, and we have thought of looking at Hawaiian natives. The reason for the latter is Hawaiian natives have been included in the legislation which established the native American programs within HEW and also before the Indian Affairs Subcommittee of the House and, I believe, the Senate as well. There are Native Hawaiian Settlement Land Claims Act cases. So if we indeed have the time we will try to gather as much information on Hawaiian natives as possible since they obviously fall into the nonfederally recognized category.

Chairman ABOUREZK. We need to find an area director for Hawaii?

Ms. HUNT. The formal hearings will be done within October 20 through November 21 hopefully. We will try to give at least 30 days notice to the groups. We believe that we need these early to determine some of the problems that we don't know about ourselves. At a later date we would like to have a formal hearing here in Washington—a fourth one. One will be along the east coast, mid-America, one in the West and the fourth will be with Federal agencies. Possibly with Federal regional counsels to discuss some of the reasons that the tribes are having problems, if indeed they are, in getting some of the pro-

grams that are available to terminated and nonfederally recognized people now.

I wanted to give you a brief overview of some of the things we hope to get into. I hope you will read carefully our scope and plans for operations and give us your comments and any helpful suggestions are welcomed.

Chairman ABOUREZK. Thank you so much, JoJo. Are there any questions or comments?

Commissioner WHITECROW. I notice you sent a memo to Task Force No. 2 in regard to questioning Task Force No. 2 as to whether they will investigate only federally recognized tribal governments or nonfederally recognized tribal governments. Are you working this out so we can have a thorough, complete study?

Ms. HUNT. Let me say right away there are several problem areas like this that I want to talk about before I let you go or you let me go, whichever comes first, but I sent a memo to all task force chairmen.

Let me give you a little background on the problem. As was stated before, Task Force No. 2 was the first to develop their scope of work. We went through that and saw that Task Force No. 2 had not included the tribal governments on State reservations or any other nonfederally recognized groups.

Now, I am very concerned about this, if indeed some of the other task forces did the very same thing and exclude us. I don't think we have the time or the resources for terminated and nonfederally terminated Indians, reservations, health, development, and these other subject areas in a substantive manner. We will be looking at the funding sources, at how much is available, at legislation establishing programs for terminated and nonfederally recognized people but we can't look at those programs substantively. We have too much to do already that we have outlined in our scope of work. We have also put this whole thing into the scope of work requesting that these task forces look at all Indians and not just federally recognized Indians. A memo to that effect went out to all task force chairmen, to all Commissioners, and to the three top professional staff in the commission. Now, I am hoping that this is not going to be a recurring theme over and over.

I would like to mention a couple of other problem areas, one that I am sure you have heard over and over today is the small budget.

Congressman MEEDS. What is your budget? What is your total budget?

Ms. HUNT. $140,258,089. We realize the huge job we have ahead of us and we feel that one person, myself, one task force member working fulltime is not enough. We have a task force specialist working fulltime and then the other two members would be working parttime under the original setup. Mr. Bojorcas will be able to come on fulltime December 1 and Mr. Stevens on October 1 or somewhere thereabouts. We desperately need this just to accomplish the things that we have set out in our scope of work. If we do not get the additional funds we will have to cut back on some of the investigative studies that we feel are necessary to address the total subject area. Then, of course, we will have to assess the priorities of those that will remain.

Let me briefly preface this by saying I have been nagging Ernie, really since August 4, about some of the general things we need to carry out a successful study. One being adequate space in which to operate. I have told him over and over that place over at the Commission is a zoo——

Chairman ABOUREZK. We know that.

Ms. HUNT. And not just because there is a monkey or two around. We have one big open room, typewriters going, phones ringing. I realize this is something that we might not ought to get into right now in this meeting but I think it is something that is important. Since that time, it has been decided there will be partitions put up. Still, I feel that is inadequate space. We don't have the proper space for task forces to meet, particularly if there are two or three trying to meet at the same time. I believe efforts are being made now to get some space within the same building and possibly elsewhere, but, to my knowledge, a solution has not been found.

Another problem that exists is the secretarial pool arrangement that we are using now. It is less than desirable to say the least, and our task force, and some of the others I have talked to, would like to have a specific secretary assigned for two or three task forces. That way we can assure continuity of work style as well as providing a less chaotic method of getting work done.

A couple of other things. I don't gripe this much all the time. This is my first opportunity to talk with you as a group.

Commissioner Deer asked each of us to comment on the basic outline and whether or not it is workable. I found the scope of work and plan of operations very difficult to do. Any time you start a job of this magnitude and the short time period in which to do it and even have to plan over a whole year is very hard to do. I found myself being redundant in some of the sections and I found it hard to develop precise schedules. I don't think we can do that just yet, but we have developed a timetable to some extent, the intervals of time, like October 20 to November 21 for formal hearings, and we will try to nail it down as much as possible later.

I do feel it is necessary for uniformity to make it a little bit easier for the Commission staff and most of all the Commissioners to deal with assembling the final report in the 6-month period of time that you have to do it in.

I think even though it was a bit of a problem for us in the beginning, it will help us in the end to have planned this well and try to meet our dealines so we can get as much of the work done as possible.

There are a couple of other things I would like to talk about. Because of the very small amount of materials and information available on terminated and nonfederally recognized Indians, we hope to do a questionnaire to assess some of the needs. We are going to need your help in getting publicity about the Commission out to the people in the field to let them know that the task forces exist, and that we are working under a strict timetable. We need responses back as quickly as possible.

The last concern that I have, that I will bring up at this time, is that I hope that we can project to the Indian people that the American Indian Policy Review Commission is not going to be a scapegoat either slowing down or eliminating needed legislation or policy changes. I hope the Commission will not be a hindrance or a delay mechanism at all. We need the people in the field to know this to promote their cooperation and their trust in getting our job done.

Thank you.

Chairman ABOUREZK. Are there any questions or comments?

Commissioner BRUCE. JoJo, would it be helpful for us to request the Bureau of Indian Affairs to assign some people to work with you on this problem?

Ms. HUNT. No, thank you.

Chairman ABOUREZK. Are there any further questions or suggestions?

Mr. STEVENS. Mr. Chairman, on the space thing, it might be helpful to us if either you or Congressman Meeds called the Speaker. We have a request into the Speaker of the House. Mike Reed was over there, and we have an agency or a subcommittee right next to us who has one person in an office half the size of our office and they are not going to use it until later. If we can acquire two of those offices for 11 months that would be very helpful. I think we need a bit more muscle.

Congressman MEEDS. I will talk to the Speaker about that.

Chairman ABOUREZK. We are going to send Jake Whitecrow with him because he is from Oklahoma.

Thank you very much.

That is the last task force report.

I would like to ask the staff at this time to pass out the list of consultants and a résumé to each of the Commission members.

These consultants are necessary people who will be hired by the staff director. It is merely an effort on the part of the staff director to compile a list of consultants to be approved in the event they do have to be hired at one point. If you understand under the acounting system the Senate has, anybody who is hired as a consultant must submit a résumé to the Senate Disbursing Office. They must have the résumé 5 days before they are hired. We are passing this out and asking you to look it over. We want to approve this list at the next meeting and from that list if there is a necessity to hire somebody they will be there and it will be automatic without any delay or without any waiting.

Commissioner DIAL. Mr. Taylor had one other problem he had to speak to. I wonder if we could give him half a minute. We were to come back to this this morning and we did not do it.

Mr. TAYLOR. The question was asked about writing a letter to the Library of Congress to do the treaty research and how much of the Federal treaties have been collected. According to our evaluation when we were updating Kapplers, as near as we can tell, Kapplers had almost all of the treaties. There may have been a disparity of three or four. Kirke's law firm that he was with before he came up to the Hill has done quite a bit of research on this. I would defer to Kirke on whatever he knows about missing Federal treaties but I think the job would be to track down if there are any missing treaties. I think Kirke and Deloria in conjunction with the Library of Congress can develop that relatively easily. The other types of treaties they do not have are the Federal treaties before the colonies. Again, I think the Library of Congress would be very helpful in getting State historical societies to develop such information but I don't think we should just turn it over to the Library of Congress and lose control of the research.

I might make one other comment which I failed to get to. When I handed out the letter regarding solicitors opinions, I included a sample solicitors opinion of the example of the problem I am talking about. This is an opinion dealing with the definition of "Indian for Preferential Judgment" written in April 1975. It is very much a public document. This is not taken out of Interior at all. In fact, Reed Chambers gave it to Karl Funke at his request. It is an example of the type of opinion

that is not going to be published because it was signed by the Associate Solicitor rather than the Solicitor. I included this with the handout so you could see the kind of problem I was referring to.

Chairman ABOUREZK. Task Force No. 3 said they are not prepared at this time to bring up the management study issue so I would like to defer that and just take that over until another meeting if I could.

We go now into the item of the agenda designated as new business. I want to announce first of all the next Commission meeting will be held in Portland, Oreg., on November 9 which coincides with the annual convention of the National Congress of American Indians. The staff will contact each Commissioner as arrangements are being made for those Commissioners for travel reservations and the specific schedule of events planned. Is there any other new business?

Congressman MEEDS. Mr. Chairman, I raise one item, and I don't necessarily have an answer to it, but having been the individual who insisted on it initially, I am now told that perhaps the issue which I raised is causing some problem. I don't know how big it is. You will recall that I suggested that all task force members be paid not to exceed $25,000 and that we try to keep the salary equivalent equal. I am informed that there are at least two members who are receiving considerably less than they did in their other positions. Both left departments of the Government and they are now receiving in one instance, some $3,000 less and one, perhaps, in the area of $5,000 or $6,000 less. I don't have any suggested solutions but perhaps some of the other Commission members have some views on this. It was not my intent in establishing the $25,000 to see that anyone was necessarily downgraded in pay to come to the task forces. On the other hand, I think the task force members are somewhat like Members of Congress. If you paid one $42,000 and the other $60,000, you might soon have a very substantial row----

Chairman ABOUREZK. Although some are worth more than others.

Congressman MEEDS. To put it another way, some are worth less than others.

Commissioner DIAL. Mr. Chairman, perhaps what we need to do if we have such a problem, and it appears we have such a problem, I would suggest that no salary would go beyond the staff director's salary or would not equal the staff director's salary and where those employees took a cut to come with the Commission for a year, and often at great sacrifice, I believe I will put it in the form of a motion that we go along with this: For any member who took a salary decrease but would not exceed the director's salary.

Congressman MEEDS. Would the gentleman withhold his motion for just a minute or maybe we can discuss the motion.

Chairman ABOUREZK. The motion has been heard: Is there a second?

Commissioner WHITECROW. I will second the motion.

Chairman ABOUREZK. Is there any discussion?

Congressman MEEDS. I really hate to open this up at this late hour but I think we should be thinking about it. I don't know that we want a final resolution of it today. This brings up the question of what scale then do we pay people who work parttime? Do we pay them on the basis of scale? Because certainly, a lot of our part-time people would be in salary brackets which are higher than $25,000 a year. So we immediately get into the question of parttime and what salaries should be paid. I think it is something we should talk over among ourselves before we

rush into a solution. It is a little more intricate than what it appears at first.

Commissioner BORBRIDGE. I would also like to concur with the concern expressed by Commissioner Meeds and add further that my experience has been in seeking to encourage participation and involvement either fulltime or parttime with respect to Alaskans, again, if you have been to Alaska, you become very quickly aware of not only the higher cost of living but the fact that the Federal Government does recognize that in a cost of living allowance. However, in planning to appeal to individuals with backgrounds who might be attracted from Alaska, we unfortunately have not recognized the same factors. I would like to see that included as the director takes a look at this overall question.

Commissioner DIAL. Mr. Chairman, do you think we should deal with it in executive session?

Chairman ABOUREZK. No; I don't think we need an executive session. We have resisted doing things in executive session since our first meeting.

Commissioner DIAL. I was going to say if you did not want to take time now we could stay after the meeting and resolve this because I don't think we can keep putting it off.

Congressman MEEDS. Would the gentleman yield for a suggestion, and I would abide by the gentleman's wishes on this. Would he have any objection to an amendment to the motion which would defer decision by the Commission until after a report and recommendations by the staff director?

Commissioner DIAL. I accept.

Chairman ABOUREZK. Does the Commissioner withdraw his motion?

Commissioner DIAL. Yes.

Chairman ABOUREZK. The motion is withdrawn without objection. I will ask the staff director to make an inquiry into this and provide a recommendation to the members of the Commission.

Commissioner BRUCE. Mr. Chairman, do I understand that the task force chairmen are to meet with Ernie after this meeting to talk about their needs in addition to their budget?

Chairman ABOUREZK. I don't know that they are going to meet with him. I think he is going to gather what he can from them either in a meeting or personal conversations to discuss budget needs and any needs or complaints that come up.

Mr. STEVENS. Yes; and part of the process we are going through has to do with that anyway. It is kind of an ongoing type of thing.

Commissioner BRUCE. Maybe this is a part of it?

Mr. STEVENS. We have just about everybody's work up to date and some of them have budget submissions over what they have.

Chairman ABOUREZK. Is there any other discussion on that right now? If not, we have one more item of business and that is Hank Adams. Hank, I understand you are enjoying the Washington social life this morning. Hank, incidentally, I just found out for the information of the members of the Commission, got mugged and pistol whipped this morning. When he was talking to us, he told us he had been down talking to the Washington Metropolitan Police.

Mr. ADAMS. I will be reviewing the transcripts to see if I would have gotten the same treatment over here.

Congressman MEEDS. Mr. Chairman, may I ask Hank if he was visiting the FBI when this occurred?

Mr. ADAMS. They work in the same building and live in the same building as I do.

Congressman MEEDS. Is that more uncomfortable for them or you?

Mr. ADAMS. I think that would be a good question to refer to Patrick Gray, up in Connecticut, whom I opposed as Director of the FBI.

Chairman ABOUREZK. Hank, we are not asking for a report on your task force. Those are over with now. As I understand it, you are here now with the treaty group from South Dakota: Is that correct?

Mr. ADAMS. I did submit a recommendation evolving from a meeting with a delegation last week. I submitted a recommendation to the Commission and that, I understand, was mailed out to all of the members of the Commission and different task force chairmen.

Chairman ABOUREZK. You have distributed that recommendation?

Mr. ADAMS. It was mailed from the Commission offices.

Chairman ABOUREZK. Let me say we are coming into the closing stretch. We have been at this for quite a while now and we have some other things to do. I did want the treaty group to come up and make a very brief presentation. I don't think any of us wants to spend a great deal of time on it. They came into my office and made a presentation the other day and I asked them to come up here. I just wanted you to keep that in mind.

Mr. ADAMS. That is primarily what I was going to do, just note I submitted essentially three recommendations including making time available to hear from them and I understand Mr. Eugene Whitehawk from Anderson, S. Dak., is here and he would like to make a statement with respect to their purposes in Washington, D.C.

Chairman ABOUREZK. Mr. Whitehawk, Lou Garrett your attorney, is also here. Are you from South Dakota?

Mr. GARRETT. Originally I am from Massachusetts.

Chairman ABOUREZK. Go ahead Eugene if you have a presentation you want to make.

Mr. WHITEHAWK. My name is Eugene Whitehawk and I am a member of the Alokula Sioux Nation; with me is my attorney Lou Garrett. We are here in Washington, D.C, to address an 1868 treaty made with the U.S. Government and to demand the removal of the FBI, who we all feel contributed to the violence and murder of our people on the Pine Ridge Reservation. We intend to remain here until we meet with the President of the United States, Mr. Gerald Ford. If you have any questions, I would like Mr. Lou Garrett to answer them.

Chairman ABOUREZK. I don't have any questions and I did tell your group the other day that the Commission itself has taken a position that we are in business to try to establish long-range governmental policy with respect to American Indians and, of course, the task force to whom we delegated treaty obligations and whatever other areas your grievances might cover. We will look into this as part of the overall study they are doing. I guess we have reinforced this a couple of times. We do not want to look into specific problems right at the time they are happening because we figure that if we do that, we will be sidetracked from what our overall goal is supposed to be. While I personally have heard your group, or parts of your group, and I understand what you are here for, I personally have signed a letter to President Ford asking him to meet with this group. I just wanted to make that statement. If anybody else on the Commission wants to say anything differently or add to it, they are welcome to do so at this point. First of all, we want to welcome you here and we want you to know that we

are glad to have you come up to make the Commission aware of what you are here for.

Commissioner BRUCE. Mr. Chairman, may I ask a question? NCAI took a position. May I ask what that position was, Mel?

Mr. TONASKET. Our executive committee met a week ago today in Albuquerque, N. Mex., and met with these fine folks from Pine Ridge. Our executive director presented the problem to us and he made a personal request that we support them in getting a meeting with President Ford. After a very brief discussion, we took the position—who are we to decide who should be filtered out to meet with the President and who should not meet with the President. We passed a resolution unanimously supporting them to see President Ford making it clear that we were not taking any sides—any political sort of positions whatsoever. It is just that we feel the President has had his doors closed to Indians long enough and these folks have a right to see the President. Any other Indian group that has a legal claim and a legal reason to meet with the President should be able to do so. Those are the actions that we took.

Commissioner BRUCE. Thank you.

Not as a member of the Commission but personally: I want to say here I support the position NCAI has taken. I hope individually we will do all we can to make this come about. Within the last week, I have been working in a number of different ways trying to open the door to the White House and the President and getting bounced around by a lot of people saying they don't have time to see anybody and they have full schedules and so forth. I think it is a shame, not because I am an Oglala Sioux too, that we can't make it possible for these people to at least sit down with the President and express their problems. I learned the hard way, as Commissioner of the Bureau of Indian Affairs, that the doors have to be opened and sometimes my staff did close the doors. But they had to be opened. I feel we need to listen to these people and I feel the President needs to listen to these people. Why close the door? Who are we not to urge him to see these people and know about these problems? They say, Well, he has heard about it from other people." I think they ought to sit down today and talk with him.

Now I am back on the Commission.

Mr. GARRETT. We understand this Commission is dealing with treaties signed between the U.S. Government and the American Indian people over the history of this country, as has been expressed by Eugene. We are also here to deal specifically with the treaty of 1868. While you made your position clear to us, I would like to make the position of the delegation a little clearer to you, and that is we don't feel we are in any competition with you or that what we are doing is essentially, basically different from some of the things we hope that your task force on the treaties will do. But we cannot sit back and wait for the report of a congressional committee, cannot sit back any longer and wait for any kind of report. As I know you are very much aware, just 2 weeks ago another Oglala person was murdered on that Pine Ridge Reservation. That is the third person who has been killed. The condition of violence and terror existing on that reservation is virtually without precedent in this country. We are going to see the President. I am trustful of that. It may take us time but we are going to see him. As we do, as Mr. Bruce so wisely said in face to face meetings, I think the sincerity, the honesty, the basic rich closeness of this delegation will become very evident to the President. I hope after that meeting some

steps will be taken which will begin to redress the wrongs and grievances of American people throughout the country—not just the Oglala band. We will request and we hope a Commission will deal with that treaty and violations of that treaty and the alienation of the land from the people that has resulted since the signing of the treaty of 1868. If there are ways in which our activities can be dovetailed with the activities of this Commission, we would like to explore them. If there are resources that we have, experience that we have that can be put at the disposal of this Commission, we make that offer also.

We ask only in any way it is possible—either as a Commission, as congressional people, as human beings, as Indian people—that you give any support you may have, any credit that you may have in Washington to this delegation meeting with the President. It is my opinion and the opinion of the chiefs who have spoken on this matter, that the only way to redress these grievances is to meet face to face with the President, to have the full authority, credibility, reputation, and honor of the White House at stake in the results and in the experience of that Commission. Perhaps then the Indian people, knowing that their chiefs have met and agreed to this Commission, will be able to support fully the activities of the Commission. Perhaps then we can get the FBI immediately off the reservation and stop that wave of violence and allow the Indian people to live as they choose.

Chairman ABOUREZK. When you talk about credibility, honor, and so forth, you may be asking for a little bit too much in your approach. Your approach might be a little bit off track. You have told them you are from the Oglala Sioux. If you told them you were from the tribe of Exxon you might have better access to the White House.

Mr. GARRETT. My opinions on that subjet have been well recorded, I assure you.

Chairman ABOUREZK. Does anyone else have any side comments besides mine?

Commissioner WHITECROW. Mr. Chairman, I would like to reiterate what Commissioner Bruce stated, not as a member of this particular Commission but as an Indian from Oklahoma that meets with all of the chiefs of the State of Oklahoma. We, too, feel any delegation that would like to sit down and meet with the President, we would like to see them do so, and to gain whatever access to that office, it might be possible, because that is what democracy is all about. I can assure you I will take up this problem with the people from Oklahoma. We will be meeting with them on the 22d. Hopefully, we will be able to get a resolution of support from them for you but it will come from them.

Mr. GARRETT. Hopefully, we will have seen the President by then but we would welcome this resolution of support.

Chairman ABOUREZK. I would encourage other members of the Commission to support this group's request in any way they can.

Commissioner DIAL. I, too, would like to say I support Commissioner Bruce here in his statement. I hope the President will find the time to see fit to visit and will find time to talk with the delegation. I know he is very busy. I believe he is down in Dallas today or tomorrow. He is around the country on a mission, I suppose, but I hope he will give the delegation some time because I understand there are some serious problems in the Dakotas.

Chairman ABOUREZK. Adolph is off campaigning.

Commissioner BORBRIDGE. Coming as I do from Alaska, and speaking therefore as a Native Indian, I would personally want to express

my personal support. I very much appreciate the rationale and approach taken and explained by NCAI. I am very much in agreement with that, speaking not as a Commissioner but as a Native Alaskan. We wish you the best and we will try to give you the best support we can.

Chairman ABOUREZK. We would like to thank you for your appearance here today. You have heard some good indications of support for your position.

Commissioner BRUCE. May I ask a question here.?

I think you mentioned the list of consultants was to be reviewed and to act on them next time.

Chairman ABOUREZK. In November in Portland. I understand if they do need to hire somebody in a hurry they can do that if they get their 5-day requirement, again subject to ratification by this Commission.

Commissioner DEER. My question also has to do with consultants. These are names that have been suggested by various task force members. Has there been any screening, evaluation, or any criteria applied in establishing this list?

Mr. STEVENS. If I may, Mr. Chairman, the group of people who were submitted here is the result of submissions by various task forces of people that they wished to hire at some point in time during the course of their investigations. The staff went through the applications but we felt the task forces themselves are the ones who basically screened these people. It was on the basis of their own knowledge of that subject. We have all their resumés. We have the resumés on file but these are basically submissions from task forces. So I guess the answer is they evaluated the qualifications of the consultants because it was their desire that they be put on.

Commissioner DEER. Will you be accepting any more or is this it right now?

Mr. STEVENS. There are some who have not submitted their names.

Mr. KICKINGBIRD. This is to expedite the process. It was not in any way to foreclose the possibility of getting someone we needed at a later date.

Commissioner DEER. I have one more question and this has to do with the task force reports. These are going to be mailed out on Monday. I notice there is a very extensive questionnaire at the end of our materials here that we are supposed to hand in and then you will evaluate them. My question is this: It would seem to me it would be helpful if we as a group, as we have done it today, review these. I am wondering if this is something that could be done at our November meeting?

Mr. STEVENS. I have a suggestion on that. First of all, I would like to say that some of the remarks that were made, Particularly by Dr. Rhodes and JoJo, are shared by me. It is the kind of thing that as something develops you suddenly become aware of it. The statements that came to me were not uniform. Part of that is our own fault. Also in the cases where they submitted exactly the way we wanted it, and that was true in two or three cases, we found repetition and so on, so we want to put it in one format and we are going to do that immediately so that we have just one document with all the specifics in it.

The suggestion that I have is that we accomplish this and then give a tentative approval and go ahead for them to begin. This is a thing that you have delegated to me already. I will give them approval to proceed, subject to the reviews and comments. Besides that, if it is like any other plan, it changes as you go along. In other words, I am willing to

go over each one and evaluate it for the kinds of things I think the Commission is concerned with and certainly share that with the Chairman and Vice-Chairman. Then we can proceed with the questionnaire. It is a lengthy questionnaire but I felt like the Commissioners themselves, and in the case of the Congressmen and Senators depending on how they felt, and possibly their staffs, we would like to have some written comment. So I think it is up to the Commissioners whether or not they want to go through that entire exercise with the 11 task forces. But if it were possible, we would sure like to have it.

Congressman MEEDS. Is there further new business to come before the Commission?

Commissioner BORBRIDGE. I would like to express my concern, as expressed by Commissioner Deer, regarding the importance of the scope of work. In having the first presentations made today I was at least satisfied in part as to some of the initial concepts as to the direction that each of the task forces contemplated taking. All of us, I am sure, have been doing our best to try to spell out in our own minds the intent of the language contained in the act establishing each of the task forces. Therefore, in order to assure at least to our collective and individual satisfaction that the task forces are doing everything necessary and not leaving anything out and appear to be giving priority in a thoughtful manner, it becomes necessary to take a look and analyze carefully and comment on the scope of work as the task forces envision them.

The second thought I had, Mr. Chairman, is with respect to the consultants, and again I want to emphasize that this list is a preliminary list and that others will be added to it. I think that one thing that becomes very important is since individual Commissioners are themselves the subject of inquiries as to the subject matter involved and possible consulting work in connection with the mandate of the Commission, it becomes important that we be able to immediately advise such individuals as to the conditions of work. People who are interested in serving the Commission are not quite certain. Does this mean moving to Washington, D.C.? Can they do it on a part-time basis? Does it have to be a complete block of work? We are contemplating whether or not there might not be adjusted the salary maximum. As soon as this information becomes available, I think it should be made available to the Commissioners. Call it "Condition of Employment for Consultants" so that then we will be able to immediately and in a uniform manner advise interested applicants as to some of the conditions and then have them send whatever information is requested directly to Mr. Stevens.

Congressman MEEDS. Is there further new business?

If not, the Commission stands adjourned.

[The Commission adjourned at 5:10 p.m.]

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